

zeal does not induce him to overlook the evils which may arise from a precipitate and rash interference with long established rights. Let an enquiry be instituted, but why not go into the thing at once? after due inquiry, if the system does conduce to evil, which may and undoubtedly would be productive of much mischief. Hon. gentlemen may talk as much as they please about the iniquity of the system. I was once an enemy of the system myself, but experience and observation have taught me that I was wrong and I am not ashamed to acknowledge my error.

Mr. HOLMES said he had listened with a good deal of respectful attention, as he always did, to the speech of his hon. and venerable friend from Richelieu, but he thought the committee would agree with him in saying that it would be difficult to find a better advocate in support of the resolutions than the hon. gentleman himself. He (Mr. Holmes) believed that there were many abuses connected with these tenures which are perfectly unendurable; he believed that in travelling through Lower Canada one would find very few advocates for the continuance of this system; its oppressions were felt severely: and the more so because almost all the judges of the land are themselves seigneurs.

Mr. NEILSON said it was wrong to impute improper motives to those who have the administration of justice.

Mr. QUESNEL observed that the same imputation might be made, if the judges were censitaires. Their being seigneurs he thought was of little consequence; they were bound to administer justice impartially.

Mr. HOLMES continued: he was not the advocate for any measure which would infringe upon the rights of any party in Lower Canada. But he was convinced that serious grievances existed and those he would like to see corrected. He entirely agreed with the hon. gentleman that the proprietors of British origin are more apt to impute upon the censitaires than any other. They are chiefly persons who have purchased upon speculation. He agreed also with his hon. and venerable friend that the contrast between the censitaires of Lower Canada and the Irish peasantry was altogether in favor of the censitaires. They are more wealthy, more prosperous, more contented and happy; but it is not because the Irish peasantry are in a miserable condition that we should be unwilling to improve our own condition. All that was asked for was an equitable and fair commutation of the system.

Mr. ARMSTRONG said, as seconder of the motion of the hon. member for Beauharnois, he desired to say a few words in answer to the remarks of his honorable, learned, and venerable friend from Richelieu, with whom he was sorry to differ on any occasion. He would not discuss the merit of the name by which the hon. mover of the resolutions designated the system under which we suffer in Lower Canada—it mattered very little—nor would he discuss the beauty of the theory of Feudalism, but would confine himself to the practical workings of a system at present going on in Lower Canada be the name what it might; and he was really sorry and surprised to hear the hon. member impute to members who supported the resolutions the desire of dealing unjustly with the measure. All that was sought was an inquiry into the practice. The hon. member himself (Mr. Viger) admitted that there were abuses, in famous abuses (hear, hear); that he has witnessed them for forty years; that he had attempted to stem the torrent which kept growing worse and worse (hear, hear).—Well, then, if the hon. member so forcibly and strenuously insists on what he calls an abominable, can a system which conduces to prosper, (hear, hear.) but at present you see such bad ends be so very good? Will such a mass of corruption arise from a good system? (hear, hear). In his opinion it could not; but at all events, why stop inquiry?—not go into the thing at once? after due inquiry, if the system does conduce to evil, notwithstanding the fine built theory, the tenure must be done away with. As regards the assertion of my venerable friend that the Seigneur has no right to Banalite, it was the first time he had heard of such a thing; it is for the first time and in this house, that it has ever been questioned. And, will it be believed, if this was really the case, as practically carried out at any rate, that we would witness only one Banal mill where tens and dozens could be erected? would the censitaire travel fifteen and twenty miles to get his good wheat ground into black flour?—(hear, hear). He could name ten streams emptying themselves from the north shore into the St. Lawrence, where but one or two mills on each were to be met, while sites for hundreds existed, not only for grist but for saw mills, carding, and for manufactories; but more than this, contracts which had been renewed by authority of letters patent, lately issued to certain Seigneurs, positively state that the censitaire shall not have the right to build wind, steam, nor indeed mills of any kind (hear, hear). In answer to the honorable member for the county of Quebec, who said that the country sought for no reform, alteration, or enquiry, he for one could say that he stood on the floor of that house in virtue of his opposition to the Tenure, having had the honor of being opposed to no less than five Seigneurs (hear, hear), and he would say that the people do require of their Representatives relief from the abominable system of the Tenure. Tell me (said the hon. gentleman) of a half-penny per acre; it is ridiculous to talk in that way; I say it is no more, nor has not been that rate for half a century back, besides other abuses. What for instance, can be more galling to the feelings of the censitaire than to endure the Seigneur's lucky felling away wood on his land; pine groves kept for his own buildings; nay, more than this, in the late deeds Seigneurs have reserved to themselves the right of cutting rails and pickets for their own farms from off those of the censitaires (hear, hear). I might, Mr. Chairman, keep this House during the greater part of this night in detailing the abominable tyranny which exists in Lower Canada, but as it is to be made a subject of enquiry before a select committee, I shall in conclusion observe that if we are to be governed by "the well understood wishes of the people," there must be a strict investigation, and to my honorable friend and to the members of this house, I boldly declare that I would submit to the constituency of the different counties from Kamouraska to the Lake of Two Mountains without any fear as to the result, on this question of the Tenures (hear, hear.)

Mr. JOHNSTON said the hon. and venerable member for Richelieu was always in opposition to all measures which were calculated to do any good. (Order, order.) He has introduced no measure to benefit the country. (Order.) I will not be put down. Whenever that hon. gentleman wants to bolster up a bad cause, he alludes to the state of unfortunate Ireland. (A laugh.) I would thank him for the future not to allude to that country. (A laugh.) The poorest peasant in Ireland is ten times more happy than the censitaire of Lower Canada can be under the Seigniorial tenures. (A laugh.) The opposition of the hon. gentleman savors something of a factious opposition—of an opposition without cause. If the Seigniorial tenures were abolished the country would prosper, (hear, hear.) but at present you see one twelfth of that value. This is more forcibly felt in large cities, where a citizen

of Canada. You have never done any thing to encourage emigration. Your statute books do not show any enactment upon the subject except that imposing a tribute upon the unfortunate emigrant. (A laugh.)

Mr. VIGER.—The hon. gentleman is extremely happy in his illustrations, and throws a great deal of light upon all subjects, particularly upon the state of Ireland.

Mr. TURCOTTE (in French) said, he regretted that in order to do justice to the question before the committee, he was forced to express himself in a language which was not understood by every hon. member in this house. The question was one of the most vital importance to the country. It was intended to alter, and perhaps to destroy, a system which some learned and hon. members appeared disposed to defend as a good one, for the only reason that it had been in operation for ages.

He (Mr. Turcotte) would not hesitate a moment to declare that he considered that system unjust, iniquitous and disgraceful to an enlightened people living in the nineteenth century, and they would bear it no longer. He regretted very much to disagree on this subject with his venerable and learned friend from Richelieu. That hon. member had admitted that many and great abuses were to be found in the practical operation of the system; but he (Mr. Turcotte) was fully prepared to show that the system itself was unjust, and no more to be tolerated. He would desire to be perfectly understood; his opinion was that they should not attack and destroy, at one and the same blow, the whole system. A change so materially interfering with the rights of property,—would be extremely dangerous to be adopted without that due consideration, which time, reason and prudence can afford; but a change was necessarily required, the prosperity of the country and the unanimous voice of its inhabitants demanded it, and therefore some steps towards accomplishing that change ought to be taken.

There was a wide difference between what was properly called "*feodal tenure*," and our present Tenure. The seigneurs of the lower part of the province were not seigneurs *feudaux*, but were only seigneurs *censitaires*, he would then desire the general tenure of Tenure, *seigneuriale* to be substituted in the resolutions to that of "*Tenure feodale*" which carries with it so disgraceful an idea of servility. The practical abuses being admitted, it was unnecessary to enlarge upon them. He would therefore attack the system itself. What then were the principal rights imposed upon the censitaires in favour of the seigneurs by that system? They were the right of *lods et ventes*, that of *Banalite*, and that of *Retrait*, of which no hon. member had yet spoken. He (Mr. Turcotte) had been not a little astonished to hear from the venerable and learned member for Richelieu, that the *lods et ventes* were not a tax imposed upon the vendor's industry and labours.

Does not that hon. gentleman see that in stipulating the price of a given property with his vendor, the vendee always bears in mind that he has eight and 1-3 per cent to pay over to the seigneur which eighth and 1-3 he would just as well pay to his vendor, were that right of *lods et ventes* not in force. The vendor then loses it in consequence of the seigneur's right of *lods et ventes*, and therefore his industry and labours are virtually taxed by that right. Again is it just that a poor censitaire should enter the wild forest to settle upon a given lot of land, which then was worth comparatively nothing, that this censitaire by his exertions and trial should raise the value of that lot, say to £500—and that he be then forced if he want to dispose of his property, to let his seigneur have one twelfth of that value. This is more forcibly felt in large cities, where a citizen