

"Majesty to grant the country of New France to the said Company." Is not that an irrevocable and absolute grant of property? I think if there are words which can convey such a grant I have just read them. But the grant conveyed other property; it gives another piece of land *à titre de cens* in the following terms. "Besides which things the Company has also accorded to the said Sieur Giffard his successors or *ayans cause* a place near the fort of Quebec, containing two arpents for him there to construct a house with the conveniences of a court yard and garden, which places he will hold *à cens* of the said place of Quebec." The strong expressions contained in the other grant are not in this. I of course do not mean to say that this was not a grant of property; but when I have the much more extensive expressions of the other portion of the grant, I cannot believe that they were not meant to give the most absolute property. If one was a grant of property, which cannot be denied, the other was such a grant ten times over. The one was a grant made as to a commoner; the other of all kind of property, with right of justice and lordship over the tract of country comprised within it.

The following are the conditions of the grant of Deschambault (*Pièces et Documents* 375):—

"We have, to the said Sieur de Chavigny, given, granted and conceded, and in virtue of the power conferred on us by His Majesty's edict for the establishment of our Company, do by these presents give, grant and concede the lands and places hereinafter described, that is to say: two arpents of land to be taken in the place designated for the city and banlieue of Quebec, if there remain still any unconceded lands therein or adjoining the same, to build thereon a dwelling with a garden where he may reside with his family; moreover, thirty arpents of land to be taken outside the said banlieue of the said city of Quebec and close to the same, in the lands not yet conceded;—

"And have moreover to the said Sieur de Chavigny given, granted and conceded, and by these presents do give, grant and concede, in virtue of the power conferred on our said Company, half a league of land in width, to be taken along the said River St. Lawrence above and below Quebec to commence from Three Rivers only, down to the mouth of the said river, by three leagues in depth inland, either on the side where Quebec is, or on the other shore of the said river, as the said Sieur de Chavigny may desire; to have and to hold, unto him, his successors and assigns, the above conceded lands, in full property, and possess them, to wit: the said two arpents of land in the city and banlieue of Quebec, and the said thirty arpents near and outside the said banlieue, in *roture*, subject to the payment of one *denier* of *cens*, payable at the Fort of Quebec, every year, on the day which shall hereafter be appointed, the said *cens* bearing *lods et ventes, saisine et amendes*; and the said half league on the River St. Lawrence by three leagues in depth inland in full property, jurisdiction and seigniority, also for ever, unto him, his heirs and assigns, subject nevertheless to the condition of fealty and homage."

Here again one property was granted *en fief*, and another *en roture*—both as real property; but one a very much higher kind of property than the other. On page 351 (*édits et ordonnances*)

I cite the original French copy throughout—will be found a grant of a different kind—one of the grants *en roture*, to a Mr. J. Bourdon. In this document the grant set forth is of "an extent of about fifty arpents, of land covered with growing wood, situate in the banlieue of Quebec to have and to hold the same unto him, his heirs and assigns, fully and peaceably, in simple *roture*, under the charges and *censives* which Messieurs of the Company of New France shall order, on condition that the said Sieur Jean Bourdon shall cause the said lands to be cleared, and shall allow the roads which the officers of Messieurs of the said Company may establish to pass through his lands, if the said officers judge it expedient, and that he shall take a title of concession from Messieurs of the said Company of the said lands by us granted to him: The Company has confirmed and hereby confirms the said distribution of land, and as far as may be necessary, has granted and conceded it anew to the said Jean Bourdon, to have and to hold the same unto him, his successors or assigns, under the said charges and conditions above mentioned, and moreover subject to the payment of one *denier* of *cens* for each arpent every year to be computed from the date of the said grant."

The same restrictive characteristics mark all the grants of lands *en roture*. The expressions conveying property, in the grants of *fiefs* are always incomparably stronger than in these.

No less than twelve of the grants by this company contain expressions equivalent to that which I have read from the grant of Beauport, conferring the same rights as the Company had from the King. Amongst the seigniories thus granted were the following, viz.: In 1634, Jan., 15th Beauport; Feby., 15th; a *fief* to the Jesuits—in 1636 Lauzon, Beaupré, and Isle d'Orleans—in 1640 part of Montreal and St. Sulpice—in 1652 Feb., 8 Gnaderville—1653 March 31 Augmentation of Beauport; Nov. 13, Mille Vaches; and the augmentation of Guaderville; Decr. 15th Neuville or Pointe aux Trembles—1658, the remainder of Montreal. Of these, Guardarville was granted for the purpose of inducing the grantee to defend a dangerous post. There are three other grants in *franc alevu*, words which absolutely relieved the holder from any obligation, except those to which he was liable as a subject of the French crown; feudal superior he had none. Several other grants were made in *franc almayne* to religious bodies, on condition of their giving an honorable place to members of the company at the performance of mass on certain days of ceremony, of taking care of the sick, &c. Many exempted the owner from the duty of paying a *quint* on mutations, and thus gave him the power to part with the property exactly as he pleased. A large proportion of these grants contain the words *en pleine propriété*, and not one excluded the notion implied in those words: Several expressly grant some river or some rivers; many had the words "all the rivers"; and of course when the company granted with the same rights as they held themselves from the crown, they gave the rivers, mines, minerals and everything else. So far did these grants go indeed, that in some cases it was even thought necessary to make a reserve of this kind—"The Company does not intend that the present con-