

tenants is held to be in force ; while another arrêt of the King of France of the same date, for the protection of the seigniors, is abrogated or rendered unavailable, and the seigniors are by express legislation to be compelled to grant their unconceded lands to all persons who may demand of them, and without any condition or obligation whatsoever, as to residence on, or the improvement of the lands, unless such conditions as contained in the original titles of the seignior, and even in that case, the parties who have enforced the concession to them of such lands, are to be considered as residing thereon, if they occupy any other land, lot, or emplacement, within a distance of 10 leagues from the lands so conceded. It was stated in the house of assembly by the present attorney general that the seigniors who held seigniories *à titre de haute justice* probably enjoyed certain rights and privileges in their quality as high justiciars and not as seigniors, and that their rights ceased to exist after the conquest when justice became vested in the Crown ; this assertion was, however, avowedly a mere speculative opinion, and as many of the grants of land in Lower Canada are not *à titre de fief et seigneurie* by the original titles, consequently those grants, if seigniories at all, can only be held liable to the seigniorial tenure under the maxim of French law *nulle terre sans seigneur*, the proprietor of the lands so held is justly and equitably entitled to the rights, privileges and property, as conferred by the tenure to which it is held to be liable, and not being a high justice, could not by possibility have lost the rights consequent on that title. By the preamble of the bill to define the rights of seigniors and censitaires, it is assumed that certain acts have been done in violation of the conditions under which the original grants of the seigniories were made ; the arrêt of the King of France of 1711, in relation to lands in Canada granted as seigniories, and the same powers are to be conferred on the superior court of Lower Canada, as the powers heretofore exercised by the governor and the intendant. But several enactments of this bill go far beyond the declaration in the preamble, and in direct terms confiscate the property on the unnavigable rivers, and the timber on the lands ; both of which rights and property, incontestibly and beyond all manner of doubt, appear to have formed part of the property of the owners of land in France, not granted as seigniories, but held liable to the seigniorial tenure, under the maxim of French law, *nulle terre sans seigneur*, in the same manner as similar grants of land in Lower Canada have been held liable to the same tenure under sanction of the law and custom of the country.

The effect to result from this legislation palpably is, that practically the proprietors of extensive properties in Lower Canada are held to be liable to the conditions of a certain tenure, but are arbitrarily to be deprived of the rights of property such as hitherto at all times freely exercised under sanction of the law and custom of the country, as consequent on the same tenure, and are not to be compensated for that of which they are so deprived.

That part of the property admitted by these bills to remain vested in the seignior, or persons holding lands under the seigniorial tenure, is to be estimated, valued and paid for on a change of tenure in a manner utterly contrary to equity and justice, and in favor of one class only.