

Were we to consider the Seigniorial Tenure only with reference to the relation existing between the Censitaire and the Seigneur, it would be impossible to bring any sound argument in favor of the doctrine of compulsory commutation against the Censitaire, because upon him rests the charge, upon his shoulders is the burthen placed, and to him in such case belongs the choice. Any law tending to change the nature of a privilege has for its effect to ease the burthen of him who suffers. Without this the law would be useless or vexatious. "It would be an act of sovereign injustice," said the Inspector General, Mr. Hincks, in 1853, "to impose a forced commutation, and this on account of the exactions of the Seigniors." This appears evident, in so far as it relates to a Law for regulating private transactions; in such a position, the Seigniorial question could only be solved by means of a law establishing the respective rights of Seigniors and Censitaires, and by a law of voluntary commutation. I desire no further proofs of the justice of this opinion in its application, than the contest of interests, the multiplicity of pretensions, and the conflicting authorities, to which may be added the mass of details which characterise all schemes of settlement. This idea has been brought out by Messrs. Buchanan, Taschereau, and Smith, in the report of 1843, and it was also the opinion of the Committee of 1851.

Happily, however, the question may be looked at in a broader light. The feudal tenure trammels not only the Censitaire, but society at large, and, to use the spirited language of old tradition, "*l'enferme sous portes et gonds du ciel à la terre*."* Hypothecary credit, public and private enterprise, and the rights of third parties, all owe submission to the Régime of this Tenure. I will cite an example, from which I shall draw a fact of importance to the cause. The Province, in conjunction with wealthy Companies, is now engaged in the construction of a net-work of railways; but, for this purpose, Seigniorial property has to be traversed and a portion of it to be purchased; now every lot of feudal land, in virtue of the indivisibility of the *cens*, is subject to the payment of *lods et ventes*. Let a transaction be effected equivalent to sale, and it will be necessary to pay to the Seigniors the twelfth part of the value of the railways.

In a case like this, and in that of the foundation or enlargement of Towns, or the establishment of mills or factories, it is not the Censitaire, the present occupier of rural property, who suffers the greatest wrong, but the mechanic, the capitalist, and as a consequence, society in general, whose progress may be retarded, and even paralyzed. The husbandman, whose property is transmitted from father to son, pays no *lods et ventes*, and the country proprietor who sells to a manufacturer a small portion of his lands, sells it for what it is worth to him, nay even more, and the *lods et ventes* which accrue by the application of capital no longer concern him.

Mr. Berzcy, of D'Aillebout, writing to the Commission of Enquiry into the Seigniorial Tenure, says:—"Were I at liberty to commute the tenure of the lands now in my possession, I should have but few reasons for doing so; not that I have individually any objection to change their Tenure, but because I prefer to keep the money I should have to expend in effecting the change, and employ it in a much more profitable manner." This was also the opinion expressed by Messrs. Taché, of Kamouraska, Raymond, of St. Jacques, and a multitude of others, who could not be accused of ideas either retrospective or old-fashioned. It was under the influence of as wise a view that Attorney General Drummond, during the discussion on the Bill of last session, made the following declaration, which was received with applause by the whole House: "I will never consent to any measure rendering commutation immediate and forced on the part of the Censitaire." It is not then on this ground that I approach the question. I would treat it as a measure of general utility, required by a revolution which has taken place in the construction of society, and I lay down this principle, that in this act of expropriation to serve the public

* "Binds it with bolts and bars from heaven to earth."