

as now exercised, so as on legal grounds to give him nothing, let him prove as matter of fact what he may. If they will, they can. And the Crown is to be by,—party to the suit, to require them (so far as may be) so to do.

The Eighty first Section takes the next step, thus:—

“LXXXI. Every judge who shall have presented a petition for indemnity in his own behalf, in virtue of this Act, shall be liable to recusation in every case in appeal from the judgment rendered by the said Commissions upon any such petition; and every judge who shall have sat in appeal from any one of such judgments, shall be deemed to have renounced all right to present any such petition in his own behalf.

Was ever law heard of, or proposed, that a landlord judge might not sit in a cause between landlord and tenant; or a proprietor judge, in a case against a squatter; or a judge that had taken or given or endorsed a promissory note, in a case involving promissory note law? By this Bill, the *censitaire*, Judge of any Court, is to take away the Seigneur's land; the *censitaire* Commissioner, Judge of no Court at all, is to cut down the Seigneur's rights; all without recusation or appeal. But the Chief Justice or Judge of the Queen's Bench, the highest tribunal in the land if he be a Seigneur injured by this Bill, is not to sit—though with other judges, and subject to appeal to the Privy Council—upon any Seigneur's claim of right against like injury. The Judge of the highest grade, whose character may not suffer but with that of his Country, is to have a stigma cast upon him, such as the old French law—all unworthily suspicious as it is of judges—never put upon the pettiest magistrate. Any man but such Judge, is to be trusted, as though wrong or error to be wrought by him were the thing that could not be.

The eighty second and eighty third sections of the Bill take care, that if a Seigneur shall make good a claim, its amount shall not be paid, till his Creditors shall have had their opportunity of making good their claims upon it.

And, fittingly to conclude this part of the Bill, the eighty fourth and eighty fifth sections read:—

“LXXXIV.—And be it enacted, That the emoluments and disbursements of the Commissioners who shall be named under this Act, the expenses to be incurred, and the amount of indemnity which shall become due under the authority of this Act, shall not be paid out of the consolidated Revenue Fund of the Province; but it shall be lawful for the Governor to raise by loan, on debentures to be issued for that purpose, the interest of which shall be payable annually, and the principal at such time as the Governor shall deem most advantageous for the public interest, out of the Special Fund, hereinafter mentioned, such sum as may be required for the payment of the said emoluments, disbursements, expenses and indemnity.

“LXXXV.—The said Special Fund shall be designated as the “*Seigniorial Fund*,” and shall consist of.

“1st.—All monies arising from *Quint*, *Relief* and other dues which shall become payable to the Crown in all the Seigniories of which the crown is the Seigneur *dominant*, as well as all arrears of such dues.

“2nd.—The Revenue of the Seigniority of Lau-

zon and the proceeds of the sale of any part of the said Seigniority that may be hereafter made.

“3rd.—All monies arising from auction duties and auctioneer's licenses in Lower Canada.

I have, then, at last got something awarded. Appeal or no appeal—at whatever cost, and after whatever delay—the award is final. No creditor, even, contests my right to take it. But the credit of the Province is not pledged that I shall have it. It is “not” to come—so reads the Bill—it is not to come out of the Consolidated Fund. If the Special Fund here designated, suffice to pay it, after paying all Commissioners' salaries and schedule-making and other disbursements whatsoever,—no small sum,—I am to be paid. If not, I am not to be paid. In the best case supposable, my award is not to cover all my loss; I am to get it in no hurry; and no clause gives me a hope of getting, along with it, any award of costs on my petition, or on any unsuccessful contestation of it, or on any appeal or appeals, that I may have suffered from. In the worst case, I have lost the whole; money, time, costs, together.

As to the sufficiency of the proposed Fund, one is bound to presume that it is intended to be ample. But if so, why not at once give the guarantee of the Consolidated Fund? As that is not to be done, one must feel an uncomfortable misgiving that when the Commissioners are paid, and all the rest of the expenses are paid, there may not be enough to discharge the awards of indemnity; that is to say, indeed, unless—as well enough may be the case—there be next to none made, at all.—The designated sources of revenue are, besides, not remarkable for productiveness and security. *Relief* is never exacted by the Crown; and it is hard to say why it is named here as a source of revenue. *Quint* can accrue no more, after this Bill should have become law; for no man can be fool enough under such a law to buy a Seigniority. The Seigniority of Lauzon is a property yielding but a very moderate revenue. And auction duties and auctioneer's licenses in Lower Canada, yield no large sum; to say nothing of questions that may arise, as to the permanent maintenance of that form of tax, at its present rate of productiveness.

The last part of the Bill remains; the concluding Sections, headed as Interpretation clauses.

The first of these— the Eighty-sixth of the Bill—is this:—

“LXXXVI. And, for the interpretation of this Act—Be it enacted, That nothing in this Act contained shall extend or apply to any Seigniority held of the Crown, nor to any Seigniority of the late Order of Jesuits, nor to any Seigniority held by the Ecclesiastics of the Seminary of St. Sulpice, nor to either of the *Fiets Nazareth*, Saint Augustin and Saint Joseph, in the City and County of Montreal, nor to any of the lands held *en roture* in any of the said *Fiets* and *Seigniories*.”

Against so much of this clause as relates to the Seigniories of the Seminary of Montreal, and the *Fiets Nazareth*, St. Augustin and St. Joseph, I have not a word to say. They are regulated by express legislative enactment; and (as I have already said) it is well that at least that one enactment should be respected. It is respected, precisely as the whole body of law by which the