

REPORT of the Special Committee to whom was referred the Resolution of the House of Assembly of the 27th January 1834 " That it is expedient that " further and more effectual provision be made for the Extinction of Seigniorial " Rights and Burthen's on Lands held *à titre de Cens* in this Province."

YOUR Committee are of opinion that the existing restrictions upon the Seignors of this Province and upon the Proprietors holding lands in their Fiefs and Seignories, as to the estinguishment, by convention, of the usual Seigniorial dues and services, should be removed by law to be passed for that purpose, providing therein a proper and just indemnity to the Lord Paramount, our Lord the King.

The discharge from these dues and services will not have the effect of altering in any manner the Law by which these Lands were governed previous to such discharge.

Your Committee, however, would not consider the measure complete, if the right of free commutation were not equally extended to all those who hold lands under any *Mains-mortes*, or Religious Communities, who are Proprietors of Fiefs or Seignories, in this Province. If any preference were given to the *Censitaires* of other Seignories, it could not fail to become a subject of just complaint, and to excite jealousy, on the part of those who should be excluded from the advantage aforesaid, merely because chance had placed them within the *Censives* of Communities and *Mains-mortes*; and would probably in the end excite feelings tending to prejudice the true interests, and which might finally threaten the existence, of the Religious Communities of which the Inhabitants of this Province have to this day recognized the utility, and to which they are strongly attached, in consequence of the numerous advantages which the public have derived from them, either through their exertions in favor of education, or through the charitable labours of every description to which these Institutions have been devoted, and for which they were originally founded. If, in addition to this, we consider the great value, and the vast extent of the Seignories thus held in *Mortmain*, the superficial contents of which exceed 200 square leagues (independent of the property of the Jesuits) and upon which there is now scattered, a population of not less than 70,000 souls; if we bear in mind that a great part of the County of Montreal, as well as a great part of each of our most Commercial Cities, lie within the *Censives* of Religious Communities, it cannot fail to be observed, that exclusion from the right of Commutation would fall chiefly upon those who, with reference to capital, to the arts, to manufactures, and to trade, would have the greatest claims to enjoy it, and who would, in all probability, be the first who would wish to avail themselves of it.

Yet, while they represent to Your Honorable House the necessity of giving Religious Communities and others holding property in *Mortmain*, the right of commuting their tenure, and to their *Censitaires*, that of redeeming the feudal and seigniorial burthens imposed upon their property, Your Committee are strongly impressed with the necessity of not departing (in any measure to be adopted for the purpose of effecting the object aforesaid) from those wise principles forming the basis of our laws, which impose restraints with regard to the purchase or sale of immoveable property by those who hold, or would hold, it in *Mortmain*. These laws have been made for the public good; for on the one hand they protect corporations against the error or maladministration of those who have the management of their affairs, and on the other they prevent them from increasing the number or extent of their possessions, which they could not do without detriment to the public interest and to the liberty of trade.

If, therefore, Your Honorable House concur in opinion with Your Committee that the Religious Communities and Corporations possessing Fiefs and Seignories within this Province, should, with regard to the Commutation of tenure, be placed on the same footing as other Seignors in the Province, Your Committee would think it their duty to recommend that the exercise of this right should be perfectly unrestricted, and governed solely by agreement made between the parties interested; that they should be allowed to Exercise it with regard to the whole or to any portion of the Seigniorial dues and burthens, from which the *Censitaires* might wish to be relieved; that the sums of money arising from the redemption, should be laid out in the purchase of other real property, or ground rents, the revenues of which should be exclusively applied to the object for which the Institutions commuting were originally founded;—and that no such Commutations should be made without the concurrence of the Ecclesiastical authorities of the Country, whenever they should affect any religious communities, which, by the Law of the Land, cannot alienate their property without the concurrent assent of the civil and ecclesiastical authorities.

Your Committee are of opinion, that a Law which should embrace these provisions, and such others as might be deemed necessary, would be generally beneficial, and would have the effect of removing gradually, quietly, and without coercion, all the Seigniorial dues and burthens which might be considered as tending to shackle trade, or to check the spirit of enterprise among Capitalists in this Province; and would preserve those Seigniorial rights only of which the agricultural population should not deem it advisable to relieve themselves by redeeming them, because in reality the greater portion of those rights form part of a system, which experience has proved to have been of eminent advantage in the settlement of this Province, and against which its Inhabitants have never remonstrated.

The whole nevertheless humbly submitted.

Quebec 1st March 1834.

A. STUART,
Chairman.