

land and laying their farms in waste. Saratoga, within forty miles of Albany, was burnt to the ground, and the inhabitants were either put to the sword or taken into captivity.

Dupuy, the Intendant, and successor of Begon, shortly after his arrival in Canada, returned to France. M. Hocquart succeeded him on 21st February, 1731. With the exception of occasional skirmishes between the English and French, and some acts of insubordination among the Indians, nothing deserving special notice occurred until 1744. In this year an important law reform was made. The King of France, knowing that all laws and ordonnances of the mother country were not suited to the condition of the colony, by letter ordered that no edict or law should be in force in the colony unless registered among the records of the Superior Council at Quebec, and that none should be registered unless directed to be so by the King himself. Of this the consequence was very beneficial. The Canadian lawyer was enabled with some certainty to advise his client, and the result was a diminution of litigation.

This was a great reform. No sooner was it enacted than another of almost equal importance was made. The numberless holidays directed to be observed by the Church, instead of being productive of good produced idleness and dissipation. Men neglected their ordinary employments, and industry was in great part forsaken. The colony, in consequence, began perceptibly to suffer. These things having been represented to the King, he, on 17th April, 1744, by letter of that date, commanded the Bishop of Quebec to suppress many Fête days, which the Bishop of course did. Good was the result and well displayed the wisdom of the monarch by whose direction it was accomplished.

The inhabitants now had both time and disposition to till the land. When attention was thoroughly directed to agriculture, the inconvenience of the prevailing divisions and sub-divisions of land became manifest. An effort was made to work a reform in this respect. To understand the nature of it, it will be necessary to explain the nature of the tenure then existing, and which in its chief forms still exists in Lower Canada.

It is presumed that the reader has heard of the Seigniories of Lower Canada, and the attempt now made to abolish them. Every Seignior is a Fief; and if the Fief or Seignior is held of the Crown, the lord of the Seignior is deemed the King's vassal. The larger number of Fiefs, however, are not held directly of the Crown, but are held under other Fiefs. In that case they are Fiefs *servans*, and their seigneurs pay *say* and *homage* to the Seignior Suzerain, the lord of the fief, dominant under which they directly hold. Every vassal, according to feudal custom, is obliged to render fealty and homage to the superior lord or king on becoming proprietor of such

a Fief. Each Fief in general pays, or is expected to pay, a fifth (called *Quint*) to the monarch or seignior dominant whenever it changes proprietors by bargain and sale, or under any agreement in the nature of or equivalent to a sale. This fifth is or ought to be paid by the purchaser on admission to homage, and is equal to one-fifth of the purchase money. The Crown, however, of grace, usually abates one-third of the fifth. When a fief changes proprietorship under a succession, no seigniorial dues are payable. When it descends to a collateral, or is the subject of a donation, the *relief* is payable to the *seignior dominant*. Such is the tenure of Fiefs as introduced to Canada under the Custom of Paris.

A Fief which pays a relief or mutation fine to the Crown on each change of proprietor is said to be held by the custom of *Vexin le Francois*. This differs from the *Quint*, inasmuch as it is only one clear year's income of the Fief. All owners of fiefs are in theory military tenants, and the services, also theoretical, are mentioned in the oaths of fealty and homage. The system is one which had its origin in military times, and has survived the purpose of its inception.

The rights of the Seignior are to be learned in all cases from the original grant from the Crown. In this Province they consist principally of the right to hold courts, already noticed; the right to limit the right to trade with the Indians; the right to grant lands to be held of the Fief in *Roture* at such annual *Cens et Rentes* as can be procured. The *Cens* entitle the Seignior to a mutation fine known as *Lods et Ventes*, which means one-twelfth of the purchase money on a change of ownership. Another right is that of Banality, or exclusive Mills, at which the tenant must grind his corn, and for which he must pay the Seignior one-fourteenth of each bushel.

On the descent of a Fief, though there is a description of primogeniture, it differs from that of England. Each fief is divisible into small portions, and each portion in its turn becomes a distinct fief. The Crown has no right to refuse as its vassal any heir of the last possessor for that part which by law he inherits. Besides, on descent the division is not an equal one among the children of the deceased owner. If there be two sons, or one son and one daughter, the eldest son inherits two-thirds of the Fief, and is entitled moreover to the principal manor-house and grounds adjoining. Where more than two children succeed, the eldest son has only one-half of the Fief. Among females or collaterals there is no right of primogeniture; and in collateral succession, when there are males and females in equal degree, the females do not inherit.

The seignior *servant* has no right to sell a part of his fief without the assent of his seignior *dominant*. A sale without such assent may be made void. But this does not pre