

Council to grant His lands in free and common soccage, unincumbered with any Crown rent whatever, but not more than one thousand acres to the same person, without the King's approbation. Many petitions have been sent down by the Loyalists (the last of which is enclosed) praying among other things to be placed on the same footing as their brethren in Nova Scotia and New Brunswick; some disorders have also been excited among them, concerning which I have directed immediate investigation. It is not on account of these petitions that I propose the alteration, but because I judge it highly expedient to remove the smallest cause of discord between the King's Government and His people or between Great Britain and these provinces, on any score whatever" (1).

Some of the owners of the old seigniories also wanted a change in the land tenure and one of them, Mr. de la Naudière, seignior of La Pêrade and superintendent of roads, presented to the members of the commission, to which he himself belonged, a petition asking to be allowed to change the method of tenure of his properties (2).

Lord Dorchester then appointed a special committee of all the members of the Legislative Council to ascertain the comparative advantages and disadvantages of free and common soccage tenure and the tenures actually in force in this province.

The members of the committee, desiring to be fully informed on the matter, drew up a series of questions which were submitted to the law officers with a request to answer by a joint report.

Owing to the illness of the Attorney-General, all the work was done by the Solicitor-General, Mr. J. Williams, who submitted a thorough report on the laws governing seigniorial tenure and said that he was in favour of a change of tenure, but observed that such a change would be unfavourable to the tenants.

The resolutions of the special committee presented by Chief Justice Smith and based on the Solicitor-General's recommendations, stated that a change of tenure was necessary; that the feudal system had been the cause of the slight progress made by the colony under the French regime; that such obstacle would but increase in the future, and the only remedy was to encourage change of tenure without, however, making it compulsory. (3)

Mr. Justice Mabane, one of the members of the committee, strongly protested against these resolutions, saying that, far from having hampered the settlement of the country, the feudal system had favoured it as evidenced by the rapid growth of the population; moreover, the change of tenure would tend to giving the seignior a more absolute and

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(1) Const. Doc., p. 646.

(2) Can. Arch., State Papers, 3rd March, 1788, Q. 35, fol. 416.

(3) Can. Arch., State Papers, Q. fol. 48-1.