I have been forced to conclusions to which I never thought I should arrive,—to the conviction that the fact in regard to this question is that which very few people of late years, have believed.—I enter into these explanations because I may be thought to owe an apology to the House for laying down propositions, for which those who have not studied the subject so carefully as myself are not prepared: If I fail to bring forward good reasons, on my head be the responsibility.

I believe there is no question of the truth of one proposition—that it has of late been held as the fixed tradition of the country that the Seignors are not proprietors—are not what an English lawyer would be called holders of freehold estate; but are rather trustees bound to concede at low rates of charge to all who apply to them for land. On this proposition alone can the provisions of this bill possibly be justified. If this be properly held, I admit that much is to be said in favour of the measure. If the Seigniors were originally merely trustees bound to concede at low charges and reserves, it may follow that only a moderate degree of mercy should be dealt out to them. Still even on that head much may be said, owing to the peculiar position, in which they have stood since the cession of the country. It would have been easy—and it is common—to object to the measure before the House on this ground; for, supposing even that before the cession seigniors were bound to concede without exacting more than a certain rent, or reserving water courses, wood, *banalité*, or anything else, still it may be argued that for ninety three years the machinery of such old law has ceased to exist; that the courts and the legislature, and the government have treated these persons as absolute proprietors and that thus they have changed the properties the tenure, and placed the Seigniors in a new position. That being so, it has been argued, and I think properly, that it would be hard to fail to respect those rights of property which a usage of ninety years has established. My duty to my clients and to truth however, lead me not to stop short with this argument. It is my duty to object altogether to the proposition on which it is attempted to defend the present bill; and I do now distinctly deny the proposition that the seigniors are to be looked on as trustees of the public—as agents bound to discharge duties of any kind whatever. My proposition, on the contrary, is that the Seigniors are and always have been proprietors of real estate; that whatever interference may ever have taken place with reference to their property was arbitrary, irregular, inconsistent with principle, and not equal in extent to the interference exercised over the property of the *censitaire*. The grants to the Seigniors were grants of the soil, with no obligation like that supposed; and though during certain periods their property was interfered with, it was never interfered with to the extent to which similar interference took place in respect to the property of the *habitant*. If the Seigniors were not holders of property there were no such holders; if they were not proprietors, there were none who could consider themselves so. I am aware that in this statement I run counter to the traditions of late currently held—to doctrines which are supported by the authority of men for whom I have the highest respect, and from whom I differ with reluctance; but from whom I dare to differ nevertheless, because I believe I have looked more closely than they have done, or could do, into the titles and *arrets* which form the evidence on this subject. I neither reflect on their ability nor on their integrity—I do not doubt the honesty of their conclusions; but yet I see that their doctrines were well fitted to obtain popular credence, because it is always popular to tell the debtor that his obligation is not justly incurred. I do see that certain circumstances have given currency to opinions that will be found on examination as destitute of foundation, as any the most absurd of opinions ever vulgarly entertained.

If the Seigniors be trustees and not proprietors, this much must be conceded—that their capacity of trustees must arise either from the incidents of the law in France before their grants; or from something which took place at the time of making the grants—from something done here in the colony or by the authorities in France before the cession; or, lastly, from something done since the cession of Canada to the British crown. On all these points, I maintain that there is nothing to show the Seigniors were trustees, and not proprietors—everything to show that whatever interference was exercised over their property was of an abnormal character.

As to the tenor of the prior French law interpreting the subsequent grants in Lower Canada I will not say much, because, though addressing a tribunal, I am not addressing professional lawyers, and ought not therefore to talk too abstruse law. I shall therefore go as little as possible into details; but venturing as I do on a position which professional men will and must attack, it is necessary for me to state some reasons in support of the conclusions to which I come.

It would be a singular thing, considering what we know of France, if in the seventeenth and the early part of the eighteenth centuries any idea should have been entertained by the French crown and government of creating a body of aristocratic land-holders as mere trustees for the public, especially for that part of the public which was considered so low as to be unworthy of attention. For ages, indeed down to the great revolution in the 18th century, the doctrine which prevailed in France was a doctrine which made public trusts a property, certainly not one which made of property a public trust. The Seignior who was a *Justicier* was the absolute owner of all the many and onerous dues, which he collected from the people subject to his control. The functionaries, even, whom he employed to distribute the justice—such as it was—which he executed, held their offices for their own benefit—bought them and sold them. Trusts were then so truly property, that the majority of the functionaries of the very crown itself possessed their offices as real estate, which might be seized at law, sold, and the proceeds of the sale dealt with just as though the offices had been so much land. The whole system regarded the throne as worthy of the very highest respect; the aristocracy as worthy of a degree of respect only something below that accorded to the crown; and the people as worthy of no respect at all. Was it at a time when public trusts were property; when the people were only not slaves; when we must suppose that the French King, about to settle a new and great country would seek to introduce the state of things which prevailed in the old country—was it, too,