

granted two seigniories in 1762: that of Murray Bay (Malbaie), (1) to Captain John Nairne, and that of Mount Murray to Lieutenant Malcom Fraser.

The conditions of those two grants do not differ from those given by the French governors and intendants.

Several seigniories had also been bought by Englishmen, merchants and others, from the nobles who had left the country.

Some of the new owners took advantage of their position to exact exorbitant dues from their tenants; they alleged that the feudal system was no longer in force and that they were not bound by the laws which formerly governed feudal tenure. On the other hand, those laws had never been codified, they were contained in a multitude of scattered documents which it would have taken very long to consult.

The greatest anarchy soon reign in the courts especially in connection with disputes between seigniors and tenants.

The English-speaking judges, completely ignorant of the laws under the old regime and unable to ascertain them themselves, gave judgments which were often contrary to law. All the more so because the Canadians, deeming that the English laws were in force in the country, took care to have recourse to them when they found it to their advantage while, in other instances, they resorted to the old French laws (2).

Carleton wished to remedy all these drawbacks and he got a juriconsult of that day, Joseph Cugnet, to draw up a summary of the French laws which the latter called: "*Coutumes et usages anciens de la Vieille province de Québec*." It was sent to England in September 1769 (3).

Lastly, in a letter to Lord Shelburne, dated the 12th April, 1768, Carleton merely asked that the old system of granting lands be restored.

"The Canadian tenures differ, he said, it is true, from those in the other parts of His Majesty's American Dominions, but if confirmed, and I cannot see how it well can be avoided without entirely oversetting the properties of the people, will ever secure a proper subordination from this province to Great Britain; if its detached situation be constantly remembered, and that on the Canadian stock we can only depend for an increase of population therein, the policy of continuing to them their customs and usages will be sufficiently evinced.

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(1) Mr. George A. Wrong, professor of History, at the Toronto University, gives a history of the Murray Bay seigniori in a very interesting work called "A Canadian manor and its seigneurs."

(2) Letter from Carleton to Shelburne, 24th Dec., 1767. Const. Doc. (1759-1791), p. 261. Also a draught of a report drawn up by the Honourable Governor and Council of the Province of Quebec to the King's most Excellent Majesty in His Privy Council concerning the state of the laws and the administration of Justice in that province. Const. Doc. (1759-1791), pp. 240-241.

(3) Const. Doc. (1759-1791), p. 210, note 2.