

# CANADIAN PARLIAMENT.

## LEGISLATIVE ASSEMBLY,

QUEBEC, MARCH 11, 1853.

ADDRESS OF C. DUNKIN, Esq., before the Legislative Assembly of Canada, on behalf of certain Seigniors, petitioners of the Honorable House against a Bill introduced by the Hon. Mr. Attorney General DRUMMOND, entitled "An Act to define rights of Seigniors and Censitaires in Lower Canada, and to facilitate redemption thereof."

MR. SPEAKER: On behalf of the petitioners proprietors of Seigniories in Lower Canada, I appear before you to represent certain objections which they feel themselves justified, in urging to the further progress of the bill, which has just been called up before this Hon. House. And surely I do not say anything extraordinary when I declare that I appear before you with a good deal of embarrassment, and even of regret. I am before a tribunal certainly of an extraordinary—certainly also of a very high character; and I have to contend against strong prepossessions and powerful interests. I have to speak on behalf of clients, few in number, and of extremely small influence in the community; and I feel that I labour under difficulties of a peculiar character, as well from the physical impossibility of speaking in both the languages used by members of this Hon. House, as from other causes. I should be happy, were I able to do so, to address the House in both languages; but I know that those members whose language I do not use will be capable of understanding me, and I trust they will feel that my failure to address them in their own tongue proceeds from no disrespect. One other regret also I have on this occasion; it is that I am obliged to stand here alone. The season of the year and the feeble health of the learned Counsel—greatly my superior—who has been associated with me, have prevented him from appearing before you, and nobody more than myself feels how impossible it is for me to fill his place. But I have not felt that I had a right to decline on this account to give my services when required; and I have not shrunk from my duty, because, though I feel my inadequacy, I also feel great confidence in the fairness of this high tribunal. I believe that its members will listen patiently, honestly, and impartially, because of their high position, and in spite of the insignificance of him who speaks; and I am so convinced, indeed, of the truth of what I shall say, that I do not believe I shall speak in vain.

Let me say here, and say earnestly, that I do not stand here as the apologist for the Seigniorial Tenure. I have nothing to do with its merits, if it have any, nor with its demerits, be they what they may. I am not here the partizan of a system; but the advocate of individuals whose misfortune it is that their property is of a peculiar character. As their advocate I speak merely of law; I have to convince you that these my clients are really proprietors, who have entered into contracts, who have rights recognized and guarded by the law, which rights I do feel that this measure will most injuriously affect. When I take this

position I speak under the sanction of the speech from the Throne, and the reply of this Honorable House. I know that it is a position to which every branch of our Parliament is pledged; that it is admitted, that no rights of property must be disregarded, nor legal decisions of Courts set aside. Thus speaking then—under these sanctions—in spite of prepossessions, notwithstanding the measure I oppose is introduced by an Honorable Member of an Administration generally understood to be strong enough in the confidence of this House to carry its measures—I still have confidence in the justice of my cause and in this High Tribunal—I still believe that I shall not labour in vain.

I shall lay before the House and the country facts not generally known. A good deal has been published to the world since this subject was last discussed, which had previously been obscure. Several volumes have been printed which contain the greater part of the titles of the Seigniories of Lower Canada; and besides these, reports in both languages of a number of *arrêts* which had never previously seen the light. There have also been published considerable extracts from the correspondence of the high officers of the French Government, of the Governors and Intendants in Canada, the Ministers of State, and even of the Sovereign, and it is my belief—my full and firm belief—that from these titles now first placed in a position to be understood—these *arrêts* now first made known—this correspondence now first opened to historical research and legal deduction—a case can be made out, which could never before have been made out. I have not the vanity to hope that I shall be able to do this by merely drawing new arguments from old facts; but I have studied these documents as attentively as possible, and as I believe none other ever did study them, and it is upon this close examination that I found my opinion. They are arranged not in order of time, nor of place; and the French and English versions are not even arranged in the same order. This I mention to show the difficulty of studying them, and from no intention of imputing blame to those who compiled them. In going over these volumes I soon found that to understand these documents it would be necessary to arrange them in the order of their dates, and I have therefore so done. Thus arranged, I have carefully gone through them all, and have ascertained with tolerable accuracy to what Seigniority each title referred. I think I have made out a nearly perfect list; that I understand all the titles; and I now say that from this examination of the whole, and from the comparison of each part with the other,