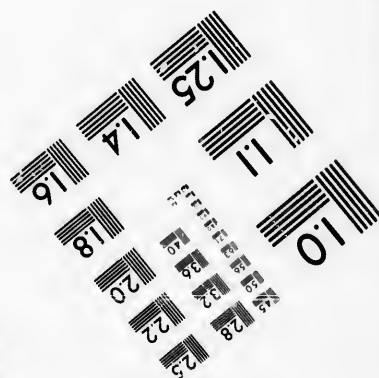
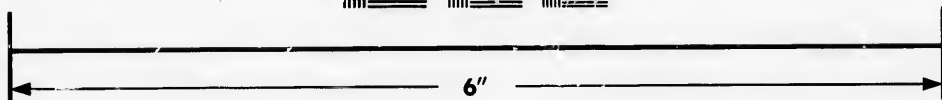
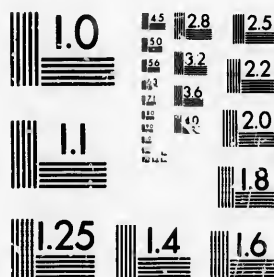


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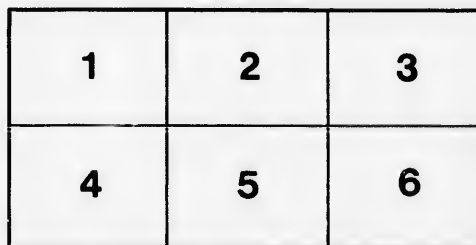
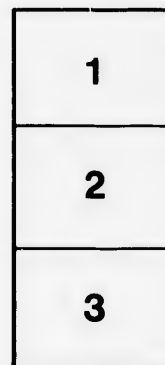
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Wm. A. McRay
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RURAL CODE,

Book, Commercial & Maritime

FOR THE USE OF THE

Montreal

OLD & NEW INHABITANTS

OF

LOWER-CANADA,

CONCERNING THEIR

Religious and Civil Duties,

ACCORDING TO THE

LAWS IN FORCE IN THE COUNTRY.

BY

JOS. F. PERRAULT, PROTHONOTARY.

QUEBEC:

PRINTED BY T. CARY, & CO.

1832.

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To A. C. BUCHANAN, Esq. His Majesty's Chief Agent for
the Superintendence of Settlers in Upper and Lower
Canada.

SIR,

The diligent attention which you have for several years back devoted to the establishment of those unfortunate persons who seek refuge in this country, under the name of Emigrants, affords me the highest idea of your philanthropy and has induced me to unite my efforts with yours in order to relieve their uneasiness, by making them acquainted with the Laws, Customs and Usages of a strange country, to which they resort with a view to alleviate their sufferings and to procure the comforts of life; and in order to remove those prejudices which may perhaps have been instilled into them. Permit me then to dedicate to you this feeble token of my exertions, and believe me in the greatest consideration,

Your most obedient humble Servant,

JOS. F. PERRAULT.

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PREFACE.

Having made a compilation of the first principles of Theoretical and Practical Agriculture for the use of the Schools in Lower Canada, and also a Treatise on Agriculture and Horticulture, it appears to me that I ought to lay before its Inhabitants a Statement of the duties, services and obligations that they have to fulfil both towards God and their fellow mortals, to complete their instruction.

A work of this kind cannot but be very useful, particularly to strangers who come with the intention of settling in a country, of the laws, usages and customs of which they are ignorant.

The Feodal System introduced in the country is a bug-bear to them because they do not know that it is only the name which is odious here, and that it is more advantageous to their settlement than that of Free and Common Socage lately introduced, particularly much less expensive and burthensome, of which they may convince themselves by reading this unprejudiced work, which I aver to be founded on the existing laws of the country and no other.

It is only the wish to be useful to the old and new Colonists, that has induced me, at the age of seventy-nine, to undertake a work of this importance, which requires much attention and research.

It is probably the last work which I shall make, and may therefore be considered as my Testament and last act of good will in favour of the Canadian Farmers, (*cultivateurs*)

To proceed regularly, I shall divide this work into three principal heads or parts.

I will treat in the first part of Religious Duties, in the second of Civil Duties, and in the third of Functionaries and Public Offices.

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1ST OF RELIGIOUS DUTIES.

The most solid foundation of human Societies, rests on Divine and Human Laws, and it is from their observance that proceeds the prosperity of States and the security of individuals.

The first commandment of God is "one only God shalt thou have and adore,"

Therefore, to fulfil this commandment it is necessary there be a Temple or Church wherein we may assemble to adore Him, and Ministers to offer Him our homage, our offerings and our prayers, and to teach us the way to obtain His favours, and the pardon of our offences, we will therefore in the first place devote our attention to

CHURCHES.—When the inhabitants of a country place (campagne) feel the necessity either of building or repairing a Church to offer therein to God the homage they owe Him, or a Presbytery to lodge the Curate, (Curé) who is to officiate for them, or a Church Yard to inter their dead, they are authorised by the Laws of the country to address themselves to the Bishop of the Diocese to obtain his approval, and he delegates a Vicar (Vicaire) or Arch-Priest to the place to ascertain if the demand is made by the majority of the inhabitants of the place, to inquire into their ways and means, to establish the dimensions of the buildings, and to erect or to repair according to the number and means of the Petitioners, of all which he makes a *proces verbal* and upon this the Bishop allows them to proceed before a competent civil tribunal.

The petitioners then address themselves to Commissioners appointed by the Governor of the Province, and pray them to be authorised to assemble themselves and to choose Trustees for the purpose of conducting the works required.

The Commissioners immediately order the meeting to take place, presided by the Curate, for the purpose of choosing a certain number of Trustees, by a majority of votes, to conduct the works, of which an act must be drawn before a Notary.

The Trustees appointed present a petition to be confirmed in their appointment and authorised to proceed to make provisional estimates and agreements, which must be homologated, to attain the object in view.

If there be no opposition the Commissioners confirm their appointment, authorise them to make provisional estimates and agreements, to publish them in the Newspapers, and at the nearest Church doors, and expressly enjoin them not to proceed farther until they shall have been specially authorised to do so.

After the estimates and agreements shall have been thus published and provisionally agreed upon between the Trustees and the Contractors, they shall be produced before the Commissioners, who generally sanction them and order the Trustees to draw up a statement of repartition of the materials, days' work (*corvées*) and money that each parishioner must furnish at the *pro rata* of his immoveable property, and to deposit the same into the hands of the Curate for a certain length of time, to be freely communicated to all those interested therein that they may take cognizance thereof, and have the errors, if any there be, rectified.

At the expiration of the time of the Deposit, the Trustees present a new Petition to the Commissioners to have this repartition homologated, which homologation is immediately granted, if there be no opposition; or amended if required, upon condition that in either case, the Trustees shall keep and present, after the completion of the work, a regular account of receipt and expenditure, in default whereof they cannot be duly discharged.

This homologation once obtained is binding between all the interested parties, and has the weight of a matter adjudged upon; therefore the assessed persons therein mentioned must furnish the materials, the days' work and the money assessed on each of them, without contestation, to avoid certain and expensive condemnations.

The Churches are blessed and consecrated to God before they are officiated in. The infraction of the buildings and the theft of their sacred vases are regarded as sacrilegious, and are punished with the utmost rigour of the law.

Those Churches are generally furnished with Pews, which are rented to the Parishioners, the money derived from the rent of the same and some trifling allowances serve to support and to embellish them, to pay the singers, the sexton and beadle, and to purchase the ornaments, the vases, the lights, &c. &c. &c.

The Presbytery is generally divided into two parts, the

BAPTIS
nies are
draw up i

oners confirm one for the use of the Curate, and the other to serve the
e provisional inhabitants as a place of retirement until the commence-
in the Newsment of Divine Worship.

and expressly Churchwardens are elected every year at an assembly
y shall have called for that purpose, to administrate the goods and
revenues of the Churches, of which they are bound to

l have been render an account annually to the Curate and to the an-
between the cient Churchwardens.

be produced This employment, it must be observed, is public and
anction them gratuitous, and all the parishioners are subject to it, and
ment of repar- they cannot refuse it when called thereto.

s) and money The zeal of the inhabitants for their Religion is ascer-
pro rata of his tained by the beauty of their Church; their regard for
me into the their Curate, by the extent of his lodgings, and the respect
of time, to be they pay their dead, by the good condition in which they
therein that keep their Church-yard.

the errors, if The Seigniors, the Captains of Militia, and the Church-
wardens have certain honorary rights which the Curates
sit, the Trus- must not neglect to pay to them, in the manner prescribed
ners to have by the Laws of the country, of which they are not to be
gation is im- ignorant.

or amended HOLY OR BLESSED BREAD.—The pious custom that has
e, the Trus- been retained of offering the Holy or Blessed Bread in
etion of the our Churches, in remembrance of the community of goods
enditure, in which existed in the first ages of the Church among the
red. faithful, has become an obligation to all the Parishioners

between all to present it each in his turn in the Church or Chapel
of a matter where they are obliged to receive the Sacrament at Easter,
sons therein under pain of an unlimited fine against the contravening
s' work and party, according to the ordinance of M. Courcell, of the
contestation, 13th January, 1670.

The Jurisprudence has been uniform since that time,
to God before and the Decree of the King's Council of the 17th Decem-
buildings and ber, 1742, which condemned Dame de Picandy to present
as sacrilige- the Holy or Blessed Bread, with a wax candle and an
of the law. offering, by a person of her family and of her condition in
with Pews, the Parish Church at Montreal, leaves no doubt on that
ney derived obligation; It is therefore prudent for all the inhabitants
allowances to conform to this custom.

the singers, BAPTISMS, MARRIAGES AND BURIALS.—Those cerem-
ornaments, nies are pesformed in our Churches, and the Curates
o parts, the draw up in registers acts of the same, to establish the state

of families, and they are authorised give copies thereof, at the request of the parties interested, which are proof in law.

GALLOPING PROHIBITED.—An ordinance of Mr. Began, of the 29th February, 1716, prohibits all persons from trotting or galloping their horses when leaving the Church until they are ten arpents from it, and enjoins them when they meet foot passengers, to stop and even to go aside in order to give them time to get out of the way, the whole under the penalty of twenty livres against every offender, to be applied to the use of the Fabric of the Parish where the contravention shall have taken place.

OF GOOD ORDER.—To maintain good order in the Churches and other public places, an act was passed the 17th March, 1821, in the first year of the reign of Geo. IV. cap. 1, repealling the Act of the 57th year of the reign of Geo. III. and enjoins the Church-wardens, Officers and Serjeants of Militia, to enforce the same as well within as without the said places, under pain of fine and imprisonment against the offenders, and even against those who spend their time in drinking in taverns during Divine Service; moreover, by the said Act, it is lawful for two Judges of the Peace, at the request of the Church-wardens or of the Curate to appoint two Constables to assist the Church-wardens in the exercise of the duties imposed upon them by this Act, which was continued at divers times and is at present in force.

OF THE RESPECT TO BE OBSERVED IN CHURCHES.—There exists an old Ordinance of Mr. Randot of the 12th November, 1706, which enjoins the inhabitants to be respectful in Church, and forbids any person from quarrelling or even conversing in Church, from going out during the sermon, and from smoking at the door or about the Church under any pretext whatsoever, under the penalty of ten livres, to be applied to the fabric of the said Church.

TITHES.—“*Tithes and Dues thou shalt pay to the Church,*” is not only a Commandment of the Church which we must fulfil, but the observance of it is also enforced by the Laws of the country.

It is necessary to know that when Messrs. Tracy, Courcelles and Talon were sent to this country by His Most Christian Majesty in 1665 as Governors, Lieutenant Gen-

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copies thereof, which are proof of Mr. Began, and from the Church, as they when to go aside, the whole, every offender, Parish where

als and Intendants, they made a regulation with Mr. de Laval then appointed head Bishop of this country by His Majesty, the 4th September, 1667, after having heard the first inhabitants (les plus Notables) whereby it was decided that the Tithes should, in future only be paid in grain, at the rate of the 26th bushel, in consideration that they should be held to house it, to thresh it, to winnow it, and to carry it to the Presbytery, wherefore this regulation although it be very old has always been followed and adhered to in the country and serves to this day in the Courts of Justice as a foundation to all the judgments given concerning Tithes.

We have not the misfortune in this country to pay Tithes to other ministers than those of the same persuasion of faith as those who contribute, as well as other smaller charges for masses, marriages and burials.

To be entitled to receive those Tithes and Dues, the Curate must reside in the Parish, he must officiate for the inhabitants residing there, he must sing Grand Mass on Sundays and Holydays, he must preach occasionally, he must administer the Sacrament to them, he must visit the sick, and he must instruct their children.

OF SCHOOLS.—I include Education under the head of Religious Duties because it is a moral obligation which parents owe as strictly to their children as food and clothing.

The Province was for a long time deprived of the means of extending instruction to the country parts by means of Schools.

A Society of men under the name *Frères Charons* had been authorised under the French Government to establish Schools for Boys in the country, but its short existence, or some other causes prevented them from succeeding; and they only held one School in the town of Mont-real, and that only during a short time.

The Congregation Nuns have been more fortunate: they have established some for the Girls both under the old and new system, and they support them much to their credit, and to the advantage of the country.

The Provincial Parliament shortly after its existence, and afterwards from time to time has taken this important subject into consideration, whereby we have three kinds

of Schools recognized by law, of which we will say some thing, to wit :

SCHOOLS OF ROYAL FOUNDATION.—In consequence of directions given by His Majesty for the establishment of a certain number of competent gratuitous Schools for the instruction of the children of the country in the first elements of useful Sciences, there was an act passed in the 4th year of the reign of Geo. III. cap. XVII. to that effect, which having been reserved for the Royal Sanction, was not sanctioned till the 7th April, 1802, and proclaimed in this country the 12th August the same year.

The appointments of Trustees for those schools having been left to the Governor, the generality of those names were Protestants, and the consequence has been that those established have been of no advantage to the children of Catholics, and that only the children of Protestants frequent them ; to avoid disagreeable reflections and unpleasant sensations, I will refrain from entering into any details concerning the said Establishments, which have been transferred into the hands of only one sect, instead of being advantageous to all.

FABRIC SCHOOLS.—Twenty-two years after the passing of the Act above cited, the Provincial Parliament seeing that the Schools of the Royal foundation were not frequented by Catholic children, deemed it proper to remedy the same by establishing Elementary Schools under the direction of the Fabrics and out of their funds.

But the employment of funds appropriated to the maintenance of Religious Worship not pleasing the inhabitants, this new act was not more successful than the first ; that a few years after other means of encouragement became necessary, and those adopted gave such satisfaction that the whole Province was provided with Schools.

ELEMENTARY SCHOOLS.—The Governor was authorised in 1829, by Act of the 9th year of the reign of His Majesty Geo. IV. cap. XLVI, not only to give considerable sums of money therein mentioned, but also a sum of twenty pounds to each School Master and Mistress in each Parish for twenty Pupils, and a gratuity of ten shillings for every poor child that was instructed gratis, provided the number did not exceed fifty and was not less than twenty.

Moreover it was enacted that the Governor should advance to the Trustees a sum of money sufficient to pay the exact half of the purchase and building of the School-house.

This prodigality excited so much, I will not say emulation for instructing but cupidity, that it would have absorbed the Public Revenues, if it had not been remedied. The Standing Committee on Education and Schools have lately presented in their second Report a saving of three thousand pounds, by suspending the allowance of 126 Teachers and have recommended a new visit which will probably occasion another diminution of Schools and consequently a decrease of expenses.

The Provincial Legislature have repealed in their last session the Acts of Education of the 9th 10th and 11th of those names of the Reign of Geo. IV. and of the 1st year of the reign of William IV. up to the 15th May, 1832, and have passed a new Act which will exist till the 1st May, 1834, and established the number of Schools that each county shall have in limited Districts, and allows £20 per annum for each of the said Schools, and £20 for every girls School. It enacts that Trustees shall be elected by the heads of families of each District, who may acquire property for the use of the Schools of their District, and shall have the direction of the said Schools, and the appointment and removal of the Teachers.

The said Act points out who shall be the Visitors of the said Schools, assigns them a certain authority, and a sum of money to recompense the most diligent Scholars.

It establishes that the School Visitors shall bear and determine all differences relating to Schools, that they shall adjust and settle the limits of each School District, and diminish the number thereof or recommend an increase of such number, and report upon the most suitable site for the erection of a Superior School in each county.

Wherefore we may expect before long a more perfect organization which will explain what is taught and the method of instruction that will be followed in future, and moreover what are to be the series of exercises that shall be followed during the morning and evening sittings.

3RD PART OF CIVIL DUTIES.

As almost all the rural duties and servitudes differ by reason of the different tenures of land, I will observe that

in Lower Canada there are three kinds of tenure, in *Fief*, *inroture*, *franc alleu*, or in *Free and Common Soccage*.

FIEFS.—Power was given to the *Sieur De La Roche*, Lieutenant General, by Letters Patent from the King of France, dated the 12th January, 1598, to grant Deeds of Lands, which should be held by those to whom they were granted and their successors in full right, to gentlemen and to those whom he would think deserving in Fiefs, Seigniories, Castellanies, Counties, Viscountships, Baronies, and other dignities held from the King, on condition that they should serve for the tuition and defense of the country, and be subject to such yearly charges and dues as he should deem proper.

The same power of granting Lands in Fief was given to the different Governors, Societies and Companies who succeeded each other afterwards.

All these Lands were given on condition that the Landlords should do fealty and homage and pay the *Droit de Quint* (or fifth part of the purchase money) at each mutation, that they should erect Mills, concede their Lands at a moderate rate to all those who should ask for the same, such as one penny of Seigniorial rent per arpent in superficie and one *denier* of cens giving the right of *Lods et Ventes*, Seizure and Fine when there should be occasion, and also to settle the same within a year and a day; can I not now ask if these conditions are not moderate, if they are not the most favorable to settlers, and the least burthensome?

Lands held in Roture, are detached parts of a Fief, which were generally conceded by three arpents in front and thirty or forty arpents in depth, charged with four livres and ten sols, old currency, in money, one bushel of Wheat, two Capons, and sometimes with one or two days work, for the whole land per annum, which made in all nine francs, to wit: four francs and ten sols in money, one franc for the capons, and one franc and fifteen sols for each day's labour; these lands it is true were subjected, in case of mutation, to *Lods et Ventes*, which was and is still the twelfth part of the price of sale, but as it was the purchaser who payed, the inhabitants did not consider it as a burthen to themselves, who were the venders.

BANNALITY.—An ordinance of the Upper Council of the first July, 1675, enacts that the wind and water Mills that

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tenure, in *Fief* or *occage*.

De La Roche, the King of the Grant Deeds of which they were given to gentlemen living in Fiefs, Lordships, Barons, on condition of the defense of the Lord and dues

was given to companies who

that the Landlord by the *Droit de* at each mow of their Lands ask for the per arpent in right of *Lods et* be occasion, and a day; can moderate, if they the least bur-

ts of a Fief, rents in front ed with four one bushel of e or two days made in all ds in money, and fifteen sols were subject- which was and but as it was not consider venders. Council of the ter Mills that

the Seigniors shall have the right of Bannality, and that the Tenants who have bound themselves by their Deeds of Concession, shall be bound to carry their grain to be ground thereat, and to leave the same at least forty-eight hours to be ground at the expiration of which it shall be lawful for them to take it back, and if not ground, to carry it to be ground elsewhere, without the Miller having a right in such case to take his fee for grinding.

GRINDING—The amount of the fee for grinding has been regulated by a decree of the Upper Council of the 2d June, 1667, at the fourteenth portion of the grain to be ground.

WEIGHING AND SIFTING GRAIN.—The Proprietors carrying or sending grain to be ground at Mill shall be held to weigh it, or to have it weighed at the Mill in the presence of the Miller, and also the flour produced from the same, in default whereof their complaint shall not be attended to, in conformity with the ordinance of the Upper Council of the 11th May, 1676.

On the 29th of September, 1732, Proprietors of Mills and their Millers were prohibited from grinding any wheat that had not been sifted, for which sifting they shall only exact six deniers per bushel, and they shall return the siftings.

ADMEASUREMENT AND SURVEY OF LAND. It was enjoined by a decree of the Upper Council of the 13th April, 1669, to all those who should thereafter give out Concessions, to have the same measured, surveyed, and squared for ten arpents in depth, at the expense of the persons taking the Lands, under pain of the Granters answering in their own names for the damages and interest that those who should state themselves to be aggrieved should claim, forbidding the Purchasers from paying any dues or rights until the operation should have been performed.

DAYS' LABOUR or CORVEE.—The *Corvées* are days' labour with which some Seigniors have charged their Tenants towards them, in passing their Deeds of Concession, a clause which Mr. Beyan sanctioned by an Ordinance of the third June, 1714, on the Petition of Michel Laliberté, and others, against the *Sieur Desjardy*, Seigneur of the Isles Bouchard, to wit: those who owed three to give one in the sowing season, another in hay-

time, and the third in the harvest, and if they should owe more than three days, they should give them in the ploughing season, or pay at the rate of twenty pence each.

The inhabitants are not only bound to these days' labour, but also to assist in building Bridges, where they shall be required, over Rivulets and Marshes, according to the 8th article of the Decrees and Regulations of the first of February, 1706, with prohibitions to all persons to embarrass the Highways by Fences or Barriers, under any pretext whatsoever, under the penalty of twenty livres.

FRANC ALLEU, or FREE AND COMMON SOCCAGE.—As these two tenures have a great analogy to one another, namely, that they are neither of them charged with any Seigniorial dues, I shall not draw a distinction between them.

This last kind of Tenure has only been introduced in the country since a few years, under auspices which at first occasioned great uncertainty in the decisions of the Courts of Justice; But it appears that since, it has received such amendments and explanations as to give it more resemblance to the Franc Alleu, known by our Laws, particularly as regards the rights of Succession, and Mortgages, to which it was doubted whether such property was subjected.

This tenure would be, without hesitation, preferable to that of the Fiefs, if the persons who have received large tracts of land, free from rent, were held like the seigniors of fiefs to concede them at low prices, and without exorbitant charges, instead of which they do exact them, or such high prices, or such extravagant conditions that they prevent the clearing of the same, and cause a notorious injury to the Colony. Besides the Reserves that have been made of pieces of land, sometimes for the Crown, sometimes for the Clergy, prevent the opening of roads, deprive the neighbouring tenants of exacting the division labour, and the clearance (*Decouvert*) of which they are in want of to accelerate the maturity of their grain; these inconveniences are so serious that they deter from selling the lands adjoining these reserves and occasion the gaps, or rather spots, that are to be found in the townships where this tenure is adopted, and that are not to be met with in the ancient concessions or fiefs where the inhabitants, not meeting with these reserves, have established themselves one after another, and where they may aid

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and help each other mutually in their wants. They have not the vexation of living blocked up in their lands without issue, and of being often forced to withdraw from thence on account of these privations. It is therefore necessary to compel these extensive proprietors to settle themselves, or cause to be settled by others, said lands, or return them to the Domain.

FEU ET LIEU.—All lands in the country whether in fief, in *franc alleu*, or in free and common soccage, are given and conceded on condition of keeping *feu et lieu*, to wit—of clearing them, of increasing their value and of settling upon them, under the penalty of being reunited to the King's Domain, according to the decrees of the King's Council, of the 6th July, 1711, and 15th March, 1732—and the clause is inserted in the deeds of concession that those held in free and common soccage should have the same fate

These decrees have always served as a foundation for the many reversions of such land that have been made to the King's domain and to the domains of private Seigniors, as occasion required, before and since the conquest, and it is desirable that the same means be adopted for the remainder of those lands that are held in free and common soccage by the extensive proprietors who neglect to settle them and prevent others from doing so.

FENCES AND DITCHES OF DIVISION.—In the second volume of the Ordinances of all the Intendants, page 73, is to be found an ordinance of Mr. Beyan, which enacts the following:

It having been represented to us “that the waste land which is given for pasturing of cattle, as well in the environs of this town as in the country, is injurious, &c. We enact that the proprietors of the arable lands, of fields and pastures, as well of this town as under this government, shall be held from the 10th of June, 1725, to make and keep in good order their share of the fences of division, when any one of them shall be desirous of enclosing his property, and likewise to make the ditches of division at their mutual expense; To effect which such proprietors as shall wish to enclose their lands or to make the said ditches of division, shall be held next fall, to cause their neighbour to appear before the Judge of this town, or Delegate, to see himself condemned to make, after the

sowing season of the following year, the said fences and ditches of division, and the same shall be done every year, in order that those, who shall be held to enclose their property, may during the winter draw out such wood as they shall want to make the said fences, after the sowing of the ensuing year, and in default of those who shall be obliged to make them in the said delay doing so, and the said delay being elapsed, We permit those who shall have asked for the said fences and ditches to have them made at the expense of the parties refusing, whom we condemn to reimburse the advances that shall have been made for the said fences and ditches of division, to wit—the days that have been employed at the rate of thirty sols per diem, and the posts and perches that shall have been furnished, according to the estimate that shall be made by the Captain of the place or other Militia Officer."

FENCES ON THE EDGES OF THE ST. LAWRENCE.—The 3d May, 1665, the Upper Council enjoining all persons who had or shall have fences made on the edges of the river St. Lawrence, to place them so that they would be at least two perches higher than the highest tide, to facilitate as well the passage of carts and cattle, as navigation, and also enjoin all persons to enclose, such as are lower than two perches, under pain of all costs, damages and interest, and even of fine, should the case require it, wherefore it will be lawful for any person to pull down and take away those that are not in conformity with the present ordinance.

DECOUVERT.—The 6th February, 1759, a judgment was rendered in the Provostship of Quebec, between Joseph Marie Demers, Marie Jeanne Corbin, condemning the defendant to give clearance (Déconvent) to the plaintiff's land in the month of March following, in default of which the plaintiff was authorised to have the said clearance made at the costs of the defendant.

PASTURE FOR CATTLE.—It is forbidden since the 29th May, 1665, by a decree of the Upper Council, to all persons to pasture their cattle on land that does not belong to them, as well on Cape Diamond as elsewhere, under penalty of twenty sols for every animal; It is moreover forbidden for any person to make new roads and to go over land that is sown, except on the customary roads, under a fine of ten livres.

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HUNTING.—The Council Assembled on the 6th July, 1676, provisionally forbid all persons of whatever quality and condition, to pass on sown land, to break, pull down, or force open fences to hunt, under a penalty of ten livres—and of a greater sum, should the case demand it, and interest and costs; the said fine to be applied the one half to the informer and the other half to the proprietor.

SHACKLES.—By a regulation of the Upper Council, of the 1st February, 1706, to prevent the damages that horses do to grain by leaping over fences, and the danger that persons, passing on the highways mounted on mares or stallions, are exposed to, it was enjoined to all those who have horses at grass to shackle them, under a penalty of ten livres for the first offence, and the same shall be declared immediately on the first complaint.

FIRE WOOD.—An ordinance was passed by Messrs. de la Galipponnière and Bigot, on the 20th September, 1748, ordering that to commence from the 1st of June then ensuing, all the cord wood that would be brought into any of the Towns of this Colony, whether in sleighs, in boats, in rafts or otherwise, should measure three feet and a-half between each cut, that it might be four feet four from end to end, under pain of having such wood as should be found of inferior length confiscated, and of fifty livres fine against the proprietors of the same, or those who should offer it for sale, to be the one half to the General Hospital and the other half to the Hotel Dieu.

The 27th December, 1713, it was forbidden for all persons to cut down or take away without permission, any wood on land of which they were not the proprietors, under a penalty of fifty livres, and the confiscation of the horses and sleighs.

HIRED WOOD CUTTERS.—It is enjoined by the same ordinance, to all hired wood cutters to make the cord wood the length above prescribed, under pain of losing their salaries, and moreover of twenty livres fine to be applied to the Fabric of the Parish where the offence shall have been committed; it is likewise enjoined to all vendors of cord wood, whether in boats, rafts, sleighs or otherwise, to deliver and measure it by the cord before they can demand payment, with prohibition under the said pen-

alty of confiscation and fine, to mix rotten or worm eaten wood, or even spruce or fir wood.

N. B.—The length of wood has been reduced to two feet and a-half between each cut that it may be three feet from end to end, by another ordinance of the said Upper Council, of the first of October, 1749 ; and by a regulation of the 11th of May, 1676, it is enacted, that a cord of fire wood shall measure eight feet long and four feet high.

UNDERTAKERS AND LABOURERS.—The 19th article of the ordinance of the 7th June, 1727, regulates that all masters of trades shall be exempted from paying in whole or in part the day's labour that shall have been abandoned or interrupted without a lawful excuse, at whatever hour of the day the same shall have happened, and also from paying any part of a bargain that shall not have been entirely performed, unless there be a lawful excuse, and from paying the salary to any labourer or journeyman hired by the month or by the year, who shall ask for his discharge before the expiration of his engagement. It is forbidden to demand or give in advance on any bargain, more than one-eighth of the price, under pain, in case of a repetition of not being attended to, and of losing what surplus shall have been given.

HIGHWAYS.—Orders were given to the Sieur de Bécancour, Grand Voyer, by a regulation of the Upper Council, of the first of February, 1706, to repair to all the Seigniories where the highways had not been regulated, to regulate them in concert with the proprietors, and to make them at least twenty-four feet wide ; enjoining the inhabitants, each on his own account, to render them perfectly passable, and to finish the days' labour (*corvées*) to make the bridges where they should be required.

By an ordinance of Mr. Randot of the 18th of June, 1709, it was enacted, that the seigniors, as well those who are absent as present, shall be held to make the roads and fences, with ditches where they shall be required, through the whole of their domain, in which shall be comprised, the unconceded lands, reserving to them the right of being reimbursed the expenses of the said roads, fences and ditches when they shall concede their lands.

The Seigniors are likewise bound to make the twelfth part of the roads leading to their seigniorial mills.

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Since the above period several laws have been passed, and they are so numerous, that it is very difficult to put them all in force : all that can be well understood of them is, that every inhabitant is not only bound to make and keep in repair his front road across the whole of his land, but also to work at the routes or by-roads, at the public bridges, at water courses, at bridges across swamps, &c. &c. &c.

There are a number of officers appointed to put in force the laws concerning roads in our parishes ; and if these same laws were applied to the roads in the Townships, we should not meet with so many inconveniences, occasioned by the negligence of the extensive proprietors.

WATERS.—It is a matter of right that the Low Lands must bear with the waters of the upper ones, that they must facilitate the course of the said waters, and not deprive the inhabitants that are below of the use of it.

The difficulties that shall arise in regard thereto, shall be settled by noninterested experts, named by consent of the parties, or appointed by a judge, who shall draw a *procès verbal*, thereof, and to which the parties must submit to avoid disagreeable consequences and sometimes their ruin.

INSINUATIONS.—It is the interest of the inhabitants to know that they are obliged to take to the office of insinuations of their respective districts, all deeds of donations, within four months from their date, or at least during the life of the donors, under pain of the said donation becoming void.

3D PART, OF OFFICERS AND PUBLIC OFFICES.

MILITIA.—The law that creates the greatest number officers, duties, and public officers is, without contradiction, the militia act.

The first concessions in sief were given under the special condition of the tuition and defense of the country, and in consequence the militia act declares that every man from the age of 18 to 60 is a militia man.

His service in time of peace, by the last act, consists in attending one yearly review, but in time of war or danger, he is bound to effective military duty, under severe penalties against the offenders, of which every one ought to take cognizance not to be exposed and avoid the dishonour that is incurred by those who try to avoid that obligation

to which every man is bound, namely, to defend his country, to preserve his property, and to protect his wife and children from the violence of his enemies.

The necessity of organising and disciplining the various military corps, requires a great number of commissioned and non-commissioned officers, who, like the militia men, are obliged to fulfil their duties, which however are more numerous and burthensome than theirs.

There are colonels, lieutenant-colonels, majors, brevet-majors, chaplains, surgeons, pay-masters, quarter-masters, captains, lieutenants and ensigns, commissioned by the Governors; serjeants, corporals, musicians and drummers, non-commissioned; all these officers have more laborious duties to fulfil than the militia men, and they performed them so correctly during the last war, that it was a matter of astonishment to see with what expedition the orders were transmitted and executed from one end of the Province to the other, and it was because the whole was properly organized, the officers obey their superiors and the militia men their officers; an act of disobedience is severely punished, especially in time of war, when sometimes death itself is inflicted.

The inhabitants, old and young, are bound to have themselves enrolled in the company of the captain of their place of residence, to attend the reviews, to afford assistance in every case of need, and to escort deserters, criminals and vagrants from captain to captain as far as the common gaol of the district during peace; and in time of war to do the same duty as regular troops.

DEPARTMENT OF HIGHWAYS.—Next to the militia department, the one which requires the most officers is the department of the highways, (*voirie*) which imposest the most burthensome offices, as may be seen by the account I gave of it under the head of "Roads and Bridges," I will therefore confine myself to point out the officers of this department.

THE GRAND VOYER—is an officer specially appointed to the head of the department of the highways, in the principal districts of the Province, and to whom the inhabitants must address themselves, when they want to open roads or routes, to erect bridges over rivers or large water courses; at their request he repairs to the place on a day appointed by himself, and there in the presence of the

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tion, he should trace the Road asked for, if he judges it
useful, give orders for the work that is to be done to the
Roads, Bridges, or Swamps, and name his Process Verbal
the persons who shall be bound to make and repair them;
this Proces Verbal is laid before the Justices of the Peace
of the District at the Quarter Sessions, to be homologated
and being homologated it becomes binding to all those who
are mentioned in the same.

INSPECTORS OF ROADS.—These Officers are appointed by
the Grand Voyers in their respective Districts, and are
charged with the execution of the road laws, they are
assisted in the execution of their duties by the Sous
Voyers, whom the inhabitants choose at a public meeting
of the Parish. They make the assessments for the mate-
rials, day's labour and monies that each individual shall
furnish for the completion of the works and the mainte-
nance of them, as well as for rectifying them afterwards,
they collect and employ the said materials, &c. &c. &c.
Commissioners for roads, are officers lately appointed in
each Parish to exercise the duties of Grand Voyers during
two years. They can employ a Surveyor to make the
plans and Proces Verbal of roads, and bridges to be made
or altered, they cause the said plans and Proces Verbal
to be homologated before the Magistrates of the County,
of which copies must be transmitted to the Grand Voyer of
the District.

They are authorised to tax the expenses and costs and
to collect the amount by seizure and sale as well against
the Proprietors residing there as against those who are
absent.

The two inspectors and sous voyers, are as much bound
to execute their orders, as those of the grand voyers.

JURYMEN.—The inhabitants can be called upon not only
to execute the duties of Commissioners, of Inspectors of
roads and of Sous Voyers, but also those of Jurymen in the
head places of their District, that is to say, from their
house, which is sometimes at a considerable distance, and
to reside each time during nine consecutive days in the
head place at their personal expense which is very bur-
densome for most of them and very prejudicial to rural
economy, but they cannot avoid it without incurring the
risk of being fined and even imprisoned.

Such is the totality of the public and burdensome duties to which the Inhabitants, Proprietors are bound on account of their lands. It is also useful to explain who are the other officers whose orders must be obeyed, such as the

JUDGES OF THE KING'S BENCH.—These Judges are commissioned in the King's name to administer to the inhabitants justice in their respective Districts, they generally reside at the head places. The public owe them those civilities and respect that are attached to their high station. It is before their tribunals that are brought all civil and criminal suits, they give orders for the insinuations, receive the meetings of relations, and close the inventories; they are bound to hold Circuit Courts in the Country, at certain times of the year, to distribute justice and prevent the displacing of the inhabitants, which is always injurious to the state.

COMMISSIONERS FOR SMALL SUITS.—Since a few years it has been deemed necessary to establish Commissioners in the most populous parts of the Province to hear and determine in a summary way, all personal actions and suits, of small amounts, relating to moveable property.

JUSTICES OF THE PEACE.—These gentlemen are appointed by the King to maintain the peace; they receive all complaints against those who trouble it, make them give security to keep it, and if they have broken it compel them to appear at the General Quarter Sessions of the Peace at the head place of their District; they are specially bound to arrest persons accused of grievous offences, and to have them conducted, to the Common Gaol of the District, where they are detained until judged by a competent authority.

BAILIFFS are charged with the execution of the orders of the civil Judges, and the Constables are charged with the execution of the Justices of the Peace against criminals.

Such are the persons charged with the administration of Justice in the country, to whom must be added the

CLERKS, of whom some are appointed to the civil and others to criminal justice, in each of the Superior Districts, and to whom we must apply when we have recourse to justice either to get summonses, subpoenas, to

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call meetings of relations, to effect insinuations, or to close inventories, &c. &c. &c. and also to procure copies of ancient Title Deeds, as they are likewise the guardians of the minutes of the Notaries, who have died in their respective Districts.

Besides these persons who are necessarily attached to the execution of Justice, there are others with the assistance of whom it is almost impossible to dispense, such as the

LAWYERS AND ATTORNEYS.—If persons who are at Law are desirous of gaining their suits they must employ these gentlemen to conduct them property, which is a difficult matter in the present state of things, where the road to justice is more difficult than formerly; being obstructed by the English forms it has become more intricate and more obscure, and blunders are often committed if the suits be not conducted by them, for they alone hold the thread of this labyrinth.

NOTARIES.—There are in all parts of the Province officers appointed to commit to writing the acts between individuals, of which the principal ones are the acts of agreement, marriage contracts, donations, testaments, inventories, sales, obligations, &c. &c. &c. it is prudent to have these acts passed before Notaries to avoid law suits or to be enabled to gain them in case of contestation.—The Notaries are obliged to keep minutes of all the deeds they pass, that the interested parties may get copies of them when required. At the deaths of the said Notaries their studies are deposited in the records of the District where they have died, after which the Clerk of the District is the person authorised to grant copies thereof.

THE END.

THE END.



