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**APPENDIX, No. 1,**

**TO THE**

**THIRD VOLUME.**

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APPENDIX TO THE THIRD VOLUME

OF THE

JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA.

Ex Libris  
BIBLIOTHECAE MAJORIS  
Collegii S. J. ad Stas. Marine,  
MARIANOPOLI.

FROM THE 28<sup>th</sup> DAY OF SEPTEMBER TO THE 9<sup>th</sup> DAY OF DECEMBER,

IN THE YEAR OF OUR LORD

1843.

Ex Libris  
BIBLIOTHECAE MAJORIS  
Collegii S. J. ad  
MARIANOPOLI.

AND IN THE SEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY

QUEEN VICTORIA.



BEING THE THIRD SESSION OF THE FIRST PROVINCIAL PARLIAMENT OF CANADA.

SESSION, 1843.

Printed by the Order of the Legislative Assembly.

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KINGSTON:—Printed by EDWARD JOHN BARKER, M. D., at the Atheneum.—1844.

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# APPENDIX

TO THE

## THIRD VOLUME.

SESS. 1843.

### HEADS OF APPENDIX ALPHABETICALLY ARRANGED.

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Administration of Justice, Gaspé.....	(G.)	Financial Statements .....	(V.)
Advances to Public Officers.....	(V.)	Foundlings.....	(X.)
Appointments in Lower Canada, since 1791. (A.A.)		Imports .....	(S.S.)
Appointments to Office of Members .....	(P.)	Indian Lands.....	(M.M.)
Assessment Rolls .....	(D.D.)	Insane and Invalid Persons.....	(X.)
Assurance Companies .....	(I.)		
		Kelly, William Moore.....	(I.I.)
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Bank Statements .....	(Y.)		
Bankrupts .....	(N.N.)	Lachine Canal Riots.....	(T.)
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Board of Works .....	(Q.)	Marriage Licenses .....	(R.R.)
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British Possessions Act .....	(O.)		
		New Loan.....	(E.E.)
Canada Corn Law Act.....	(O.)	Notification of Vacancies in the Repre- } sentation .....	(B.)
Casual and Territorial Revenue .....	(S.)		
Census Returns, Upper Canada.....	(F.F.)	Outrages at Elections.....	(J.J.)
Champlain and St. Lawrence Rail Road... (W.)			
Civil List .....	(U.)	Penitentiary.....	(G.G.)
Collection of the Revenue, U. C.....	(B.B.)	Public Accounts .....	(A.)
Common Schools .....	(Z.)		
Corporation of Montreal .....	(K.K.)	Resignations of Members.....	(B.)
Crown Lands Department, Agents.....	(H.H.)	Revision of Statutes, Lower Canada .....	(O.O.)
Crown Funds.....	(S.)		
Crown Lands, Ristigouche .....	(H.)	Salmon Fisheries.. ..	(L.L.)
Crown's proportion of Seizures.....	(S.)	Security of the Province to Trustees, &c... (V.)	
Customs in Upper Canada .....	(B.B.)	Seigniorial Tenure in Lower Canada..... (F.)	
		Seizure of Goods.....	(R.)
Debentures .....	(E.E.)		
		Timber shipped from the Ristigouche .....	(H.)
Education.....	(Z.)	Trinity House, Quebec .....	(E.)
Educational Institutions.....	(M.)	Turnpike Trusts.....	(N.)
English Copyrights Act .....	(P.P.)		
Estimates for 1843 .....	(A.)	Upper Canada College.....	(J.)
Estimate of the Revenue and Expenditure.. (A.)			
Executive Government, Departments of ... (C.C.)		Warehousing Regulations .....	(K.)
Exports .....	(S.S.)		

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SHewing—on what days the Papers therein mentioned were presented to the House.

		1843.	
A	October	16..	<b>PUBLIC ACCOUNTS</b> :—Accounts and Statements respecting the Public Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada, in the year ending 31st December, 1842, accompanied with a Schedule.
		16..	<b>ESTIMATE</b> of certain Expenses of the <b>CIVIL GOVERNMENT</b> of the Province of <b>CANADA</b> , for the year 1843, for which a Supply is required. Of the probable amount of <b>PUBLIC EXPENDITURE</b> and <b>NETT REVENUE</b> of the Consolidated Revenue Fund of the Province of Canada, for the year 1843.
B	Sept'r.	28..	<b>NOTIFICATIONS</b> of <b>VACANCIES</b> in the <b>REPRESENTATION</b> , and <b>RESIGNATIONS</b> of <b>MEMBERS</b> , during the Recess of Parliament—to wit, between 12th October, 1842, and 28th September, 1843.
C		29..	<b>LIBRARY</b> :—Report of the Librarian on the state of the Library.
D		29..	<b>BAPTISMS, MARRIAGES, and BURIALS, Lower Canada</b> :—General Statement of Baptisms, Marriages and Burials, performed in the District of Quebec, in the year 1842.
			Similar Statement for the District of Montreal.
			Supplementary Statement for ditto, for the years 1833 to 1841, inclusive.
			General Statement and Return for the District of Three Rivers.
E	October	2..	<b>TRINITY HOUSE, QUEBEC</b> :—Accounts of the Corporation of the Trinity House, Quebec, for the year ended 31st December, 1842.
F		4..	<b>SEIGNIORIAL TENURE</b> in <b>LOWER CANADA</b> :—Report of the Commissioners.
G		4..	<b>ADMINISTRATION OF JUSTICE</b> in the Inferior District of <b>GASPE</b> :—Report of the Commissioners.
H		4..	<b>CROWN LANDS</b> in the County of <b>RISTIGOUCHE</b> :—Statements shewing the Licenses granted and Timber cut on the Waste Lands of the Crown, in the County of Ristigouche, in the Province of New Brunswick, in the years 1835 to 1842, with the names of the persons to whom such Licenses were granted.
			<b>TIMBER</b> shipped from the Port of <b>DALHOUSIE</b> , in the <b>RISTIGOUCHE</b> :—Statement of the quantity shipped in the years ending 5th January, 1835, to 1842.
I		5..	<b>ASSURANCE COMPANIES</b> :—Statement of the affairs of the <b>CANADA FIRE ASSURANCE COMPANY</b> , from 1st October, 1840, to 1st October, 1843.
			List of the Stockholders on 30th September, 1843.
		5..	Return of the <b>BRITISH AMERICA FIRE and LIFE ASSURANCE COMPANY</b> , to 30th September, 1843.
		25..	List of the Stockholders on 30th September, 1843.
		25..	Statement of the affairs of the <b>MONTREAL FIRE, LIFE, and INLAND NAVIGATION ASSURANCE COMPANY</b> , on 30th September, 1843.
			List of the Stockholders on 30th September, 1843.
J		6..	<b>KING'S COLLEGE</b> and <b>UPPER CANADA COLLEGE</b> :—Statement of the affairs of the said Colleges, to 31st December, 1842.
K		10..	<b>WAREHOUSING REGULATIONS</b> :—Returns from the Collectors of the Ports of Montreal and Kingston.
L		12..	<b>BONDS and SECURITIES</b> :—The Registrar's Report of Bonds and Securities registered at the Provincial Registrar's Office, between the 7th September, 1842, and the 28th September, 1843.
M		12..	<b>EDUCATIONAL INSTITUTIONS</b> :—Lists of them in Lower and Upper Canada receiving grants of Public Money for the year 1842.
N		12..	<b>TURNPIKE TRUSTS</b> :—Report of the Trustees of the Montreal Turnpike Roads, dated 31st December, 1842.
			Account of monies expended in forming and macadamizing the St. Michel Road, in the Parish of Montreal.
			Account of Receipts and Disbursements of said Road for the year ending 31st December, 1842.
			Statements of monies received and disbursed by the Trustees of the Quebec Turnpike Roads, from 1st March, 1841, to 27th March, 1843.

1843.	
O	October 12.. CANADA CORN LAW and BRITISH POSSESSIONS ACT:—Copies of Despatches and Communications with the Home Government, relating to the Canada Corn Law and British Possessions Act, since 2nd March, 1842.
P	13.. APPOINTMENTS TO OFFICE:—Return of the names of the present and former Members of the Legislative Assembly holding appointments to office from the Government, shewing the nature of each appointment, with the salary attached to each office, and distinguishing the appointments made before the Union from those on or since the 16th September, 1842.
Q	13.. BOARD OF WORKS:—Report of the Board of Works.
R	16.. SEIZURES OF GOODS:—Returns of all Seizures of Goods illegally imported into Canada, within the years 1840, 1841, and 1842.
S	16.. CASUAL AND TERRITORIAL REVENUE:—Statements of Payments made from the Casual and Territorial Revenue of the Crown, in Upper Canada, from the 1st January, 1839, to the 9th February, 1841. —Receipts and Payments of the Casual and Territorial Revenue in Upper Canada, for the same period. CROWN'S PROPORTION of SEIZURES:—Statement of the Crown's Proportion of Seizures, in Upper Canada, for the same period. CROWN FUNDS:—Statement of the application, by the Commissary General, of certain portions of the Revenues of the Crown, paid in to his hands by the Receivers General of the late Provinces of Upper and Lower Canada, previous to the Union of those Provinces.
T	16.. BEAUHARNOIS RIOTS:—Report of the Commissioners appointed to enquire into the Disturbances upon the line of the Beauharnois Canal, during the summer of 1843. —Statement of the Expenses attending the suppression of the Riots on the Beauharnois Canal. LACHINE CANAL RIOTS:—Statement of the expenses attending the suppression of the Riots on the Lachine Canal.
U	16.. CIVIL LIST:—Memorandum furnished by the Inspector General, at His Excellency the Governor General's desire, for the information of Her Majesty's Government, on the subject of the Civil List.
V	17.. FINANCIAL STATEMENTS:—Statement of all FEES and ALLOWANCES made for the services of any PUBLIC OFFICER commissioned within this Province, shewing the authority under which such Fees are levied or paid, and the amount paid to such officers respectively, for the year 1842. —Return of all ADVANCES to any PUBLIC OFFICER or COMMISSIONER, in the Province of Canada, for the years 1837 to 1842, and unaccounted for in October, 1843. —Statement of all Engagements of the SECURITY of the PROVINCE to TRUSTEES, COMMISSIONERS, or otherwise, not cancelled, or the money repaid, in October, 1843. —Statement of all ARREARS or BALANCES due by any RECEIVER or COLLECTOR, with the date when such Balances or Arrears became due.
W	19.. CHAMPLAIN and ST. LAWRENCE RAIL-ROAD:—Statement of the cost thereof, and, also, of the Receipts and Expenditure upon the same, together with the amount of Tonnage and Passengers transported by the Company for the season or year 1842.
X	19.. INSANE PERSONS and FOUNDLINGS:—Report of the Commissioners appointed for the relief of Insane and Invalid Persons and Foundlings, in the District of Quebec.
Y	19.. BANK STATEMENTS:—Of the Bank of Montreal, on the 14th October, 1843. 19.. —Of the City Bank, at Montreal, on 1st September, 1843. 19.. —Of the Quebec Bank, on 1st September, 1843. 19.. —Of the Bank of British North America, on 14th October, 1843. 20.. —Of the Commercial Bank of the Midland District, on 9th Oct., 1843. 24.. —Of the Bank of Upper Canada, on 17th October, 1843. 26.. —Of the Gore Bank, on 14th October, 1843.
Z	26.. EDUCATION:—Report of a Committee of the Executive Council, on the subject of the distribution of the appropriation for the support of Common Schools. —Report of a ditto, on a Memorial from the Municipal Council of the District of Victoria.

		1843.	
Z	October 26..		<b>EDUCATION</b> :—Report of a Committee of the Executive Council, on an application from the Warden of the Midland District.
			Report of a ditto, on the subject of the distribution of the appropriation made for the support of Common Schools in Eastern Canada.
			Table of the Elementary Schools in operation in Canada East, which have a claim to the Government allocation for the year 1842, according to the population and to the degree of conformity of the inhabitants to the requirements of the Common Schools Act, in each Municipal District respectively, as they have been reported.
			Statistical Report on Education in Canada East, for 1842.
			Report of the Deputy Superintendent of Education in Lower Canada, for the year 1842.
	Nov. 7..		Report of the Deputy Superintendent of Education in Canada West, dated 20th October, 1843.
	Nov. 14..		Report of the Deputy Superintendent of Education in Canada West, dated 20th October, 1843.
A A	October 27..		<b>APPOINTMENTS in LOWER CANADA</b> :—Returns of Appointments in Lower Canada, from the division of the Province of Québec, in 1791, into the Provinces of Upper and Lower Canada, to the Union of those Provinces, in 1841.
B B	27..		<b>COLLECTION of the REVENUE in UPPER CANADA</b> :—Report of the Commissioner appointed to enquire into the state and management of Customs, in Upper Canada.
C C	27..		<b>EXECUTIVE GOVERNMENT</b> :—Tabular Returns of the Departments of the Executive Government, for the years 1840, 1841, and 1842.
D D	27..		<b>ASSESSMENT ROLLS, Canada West, for the years 1842 and 1843.</b>
E E	30..		<b>DEBENTURES</b> :—Schedule of Government Debentures redeemed and outstanding, issued under the authority of Acts of the Provincial Parliament of Upper Canada.
			Statement of the Public Debt of Canada East, as authorised by Acts or Ordinances of the late Province of Lower Canada.
			<b>NEW LOAN</b> :—Schedule of <b>BILLS of EXCHANGE</b> drawn by the Receiver General on The Right Honorable the Lords Commissioners of Her Majesty's Treasury, on account of the new Loan, up to 24th October, 1843, inclusive.
F F	30..		<b>CENSUS and STATISTICAL RETURNS</b> :—Return of the Inhabitants of the Districts constituting Upper Canada, with other statistical information thereof, in 1842.
G G	Nov. 8..		<b>PENITENTIARY</b> :—Annual Reports of the Board of Inspectors for the years 1842 and 1843, accompanied with Reports from the Chaplain, Surgeon, and Warden of the Establishment.
H H	21..		<b>CROWN LANDS DEPARTMENT</b> :—Statements, shewing the names of the District Agents of the Department of Crown Lands; the dates of their appointment; the amount outstanding in the hands of, or balance due to, each Agent, on the 1st September, in the years 1840, 1841, 1842, and 1843, together with the salary, per centage, or other emoluments receivable by them.
			Returns, shewing the state of the Accounts of the different Agents of the Crown Lands Department, on the 31st December, 1840, 1841, and 1842; the periods at which they have received credit for their commissions, and also on the 1st September, 1843; together with the amount of collections upon which they were entitled to commission, and amount of contingencies claimed by them, in addition to their commissions, on said 1st September, 1843.
I I	22..		<b>KELLY, WILLIAM MOORE</b> :—Copies of Documents and Communications relating to the dismissal of William Moore Kelly, Esquire, from the situation of Collector of Customs, at the Port of Toronto.
J J	30..		<b>OUTRAGES at ELECTIONS</b> :—First Report of the Special Committee appointed to investigate and report on the Outrages alleged to have been committed at the General Election, in the Counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly, and Rouville.
K K	Dec. 1..		<b>CORPORATION of MONTREAL</b> :—Report of the Special Committee to which was referred the Petition of the Mayor, Aldermen, and Citizens of the City of Montreal, praying for the revision and amendment of the Ordinances incorporating the said City, and for the addition of certain other provisions thereto.



		1843.	
L L	Dec'r	1..	<b>SALMON FISHERIES</b> :—Report of the Special Committee to which was referred the Entries in the Journals of the Legislative Assembly, of the 5th October, 1842, relating to the Salmon Fisheries in the Inferior District of Gaspé, with an Instruction to continue the enquiry relative to the said Fisheries.
M M		4..	<b>INDIAN LANDS</b> :—Report of the Select Committee appointed to take into consideration the system of granting Indian Lands, in the Niagara and Gore Districts.
N N		6..	<b>BANKRUPTS</b> :—Statements of Bankruptcies in the Districts of Quebec, Montreal, Three Rivers, and St. Francis, from the dates of the first appointment of the Commissioners for the respective Districts.
O O		7..	<b>REVISION</b> of the <b>STATUTES</b> of <b>LOWER CANADA</b> :—First and Second Reports of the Commissioners for revising the Acts and Ordinances of Lower Canada.
P P		9..	<b>ENGLISH COPYRIGHTS ACT</b> :—Report of the Select Committee appointed to enquire into the effect of the English Copyrights Act—the consequent exclusion of American reprints—and the policy of that exclusion, as connected with the probable influence on the minds of the rising generation of the Province.
Q Q		5..	<b>EFFY McCUAIG</b> :—Report of the Select Committee to which was referred the Petition of Effy McCuaig, widow of the late John McCuaig, of the Seigniorie of New Longueuil, complaining of having been forcibly dispossessed of a certain lot of land in the said Seigniorie, and praying relief.
R R	Nov'r	15..	<b>MARRIAGE LICENSES</b> :—First Report of the Special Committee to which was referred the Statement, shewing the disbursements of the receipts arising from the sale of Marriage Licenses, from 10th February, 1841, to 31st December, 1842.
S S		15..	<b>IMPORTS</b> and <b>EXPORTS</b> :—Statements of Imports and Exports, at Quebec, Montreal, Gaspé, and St. Johns, for the years 1841 and 1842.

## SCHEDULE

OF ACCOUNTS and STATEMENTS respecting the Public Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada, in the year ending the 31st December, 1842.

No. 1. Statement exhibiting the Net Revenue of the Province of Canada, for the year 1842, also an abstract of the Expenditure during the same period, and the state of the Consolidated Revenue Fund on the 31st December, 1842.

## RECEIPTS.

- A. No. 1. Statement of the Revenue from Custom Duties in the Province of Canada, for the year 1842.
- “ “ 2. Statement of the Revenue arising from Duties on Licenses for Shops retailing Spirituous Liquors, Inns, Stills, Billiard Tables, Hawkers and Pedlars, Steamboats, Ale and Beer Houses, during the year ending the 5th January, 1843.
- “ “ 3. Statement of the Territorial Revenue of the Province of Canada, for the year ending 31st December, 1842.
- “ “ 4. Statement of the Revenue arising from the Light House and Tonnage Duty under the Act of Upper Canada, 7 W. 4. c. 95, during the year ending 5th January, 1843.
- “ “ 5. Statement of the Duties paid on Bank Issues during the year ending the 31st December, 1842, pursuant to the Act of Canada, 4 & 5 Vic. cap. 29.
- “ “ 6. Statement of the amount collected by Antoine A. Parent, Agent for the Seignior of Lauzon, on account of the Rents and Profits of the said Seignior, in the year ending the 30th September, 1842.
- “ “ 7. Amount of Revenue arising from Public Works and payments on account of interest on loans to Public Works in the Province of Canada during the year 1842, including a balance of arrears for 1841.
- “ “ 8. Statement of the Revenue arising from Fees on Militia Commissions, Exemptions from Militia Duty and Militia Fines, under the Act of Upper Canada, 2 Vic. cap. 9, during the year ending 31st December, 1842.
- “ “ 9. Statement of Fines and Forfeitures paid the Receiver General of the Province of Canada, in the year ending 31st December, 1842.
- “ “ 10. Statement of the Casual Revenue paid the Receiver General during the year 1842, consisting of Fees on Land Patents and Instruments, under the Great and Privy Seals, copies and certificates of Land Patents, Inns, Country and Town Shops, Hawkers, Billiards and Ferry Licenses, including Fees on Exemplifications, Searches, &c.
- “ “ 11. Statement of Incidental Payments for account of the Consolidated Revenue Fund of the Province of Canada, made during the year 1842, in addition to the ordinary Revenue.

## EXPENDITURE.

- B. No. 1. Statement of the charge for Interest on the Public Debt of the Province of Canada, for the year ending the 31st December, 1842.
- “ “ 2. Statement of Warrants issued on the Receiver General of the Province of Canada, on account of the expenditure for services provided for in the Civil List Schedule A. for the year 1842.
- “ “ 3. Statement of Warrants issued on the Receiver General of the Province of Canada, on account of the expenditure for services provided for in the Civil List Schedule B. for the year 1842.
- “ “ 4. Statement of Payments shewing the expenditure for services provided for by Acts and Ordinances of the late Province of Lower Canada, for the year ending 31st December, 1842.
- “ “ 5. Statement of Payments on account of the expenditure for services provided for by Acts of the late Province of Upper Canada, for the year ending the 31st December, 1842.
- “ “ 6. Statement of Payments shewing the expenditure for services provided for by Acts of the Legislature of the Province of Canada, for the year ending the 31st December, 1842.

- |                           |     |   |                           |
|---------------------------|-----|---|---------------------------|
| Appendix<br>(A.)<br>1843. | “ “ | 7. Statement of charge on the Consolidated Revenue Fund of the Province of Canada, for services provided for by Acts of the Legislature of Lower and Upper Canada, and included in the accounts for the year 1841, but not transferred to the Consolidated Revenue Fund until 1842. | Appendix<br>(A.)<br>1843. |
|                           | “ “ | 8. Statement exhibiting the state of the Sinking Fund for the redemption of the Public Debt of the Province of Canada, in the year ending the 31st December, 1842.  |                           |
|                           | “ “ | 9. Statement of payments on account of the expenditure of the Civil Government of the Province of Canada, for the year 1842, provided for by Act of 6 Victoria, cap. 9.   |                           |

## MISCELLANEOUS.

- C. Statement of the particulars of the Payments and Deductions made from the Revenue, constituting the Consolidated Fund of the Province of Canada, for Expenses of Management, Collection, Drawbacks, Return Duty, &c. for the year ending the 5th January, 1843.
- D. Statement of Warrants issued on the Receiver General of the Province of Canada, on account of certain services during the year 1842, for which an appropriation is required.
- E. Statement of the affairs of the Province of Canada, on the 31st December, 1842.
- F. Statement of Amount expended by the Board of Works in the Province of Canada, under the authority of the Act of 4 & 5 Victoria, cap. 28, during the years 1841 and 1842.
- G. Statement of Amount expended by the Board of Works in the Province of Canada without the authority of Parliament, and for which an appropriation is required.

## SCHEDULE.

OF STATEMENTS exhibiting the Receipts and Expenditure of the several undermentioned Special Accounts for the year 1842.

- H. No. 1. Statement of Monies collected under Provincial Acts, 45 Geo. 3, chap. 12.—51 Geo. 3, c. 2, and 4 & 5 Victoria, c. 15, and of the expenses incurred in supporting and improving the navigation of the River St. Lawrence, under the Trinity House of Quebec, for the period ending the 5th July, 1842.
- “ “ 2. Statement of Monies collected under Provincial Acts, 45 Geo. 3, c. 12.—51 Geo. 3, c. 2.—2 Geo. 4, c. 7, and 4 & 5 Vic. c. 15 & 59, and for expenses incurred in supporting and improving the navigation of the River St. Lawrence, from the Basin of Portneuf in the District of Quebec, to the division line between the late Provinces of Upper and Lower Canada under the Trinity Board at Montreal, for the year ending the 5th January, 1843.
- “ “ 3. Statement of Tonnage Duties collected during the season of the navigation of the year 1842, at Quebec and Montreal, under Provincial Act, 6 William 4, c. 35, continued by the Ordinance 3 Victoria, c. 15, and of the sums paid thereout to provide for the Medical Treatment of Sick Mariners.
- “ “ 4. Statement of the Funds arising from the Estates of the late Order of Jesuits for the year 1842.
- “ “ 5. Statement of Monies arising from the Sale of School Lands in that part of the Province heretofore called Upper Canada, pursuant to Provincial Act, 4 & 5 Victoria, c. 19, and payments therefrom during the year ending the 31st December, 1842.
- “ “ 6. Statement of Monies received from the rate or duty imposed by the Provincial Act of Canada, 4 & 5 Victoria, c. 13, on Passengers or Emigrants arriving at the Port of Quebec and Montreal, including a sum received from the Imperial Treasury, through the Commissary General, and the amount paid thereout for providing Medical assistance for Sick Emigrants and enabling Indigent persons of that description to proceed to the place of their destination during the season of the navigation of the year 1842.
- I. Statement shewing the proportion of the sums of £45,000 and £30,000 Sterling, being the Amounts respectively of Schedules A. and B. in the Union Act, and of the sums paid thereon for Services from the 10th February to the 31st December, 1841.

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

Appendix (A.) 1843.

Appendix (A.) 1843.

**No. 1.**

**STATEMENT** exhibiting the Net Revenue of the Province of Canada for the year 1842, also an Abstract of the Expenditure during the same period and the state of the Consolidated Revenue Fund on the 31st December, 1842.

EXPENDITURE.		Provincial Currency.		REVENUE.		Provincial Currency.	
		£	s. d.	£	s. d.	£	s. d.
B	1	75833	1 0			265386	11 10 <sup>1</sup> / <sub>2</sub>
"	2	50000	0 0	Net Customs.....	per Statement A	31925	0 5 <sup>1</sup> / <sub>2</sub>
"	3	33333	6 8	Net Excise.....	do	24572	15 7 <sup>1</sup> / <sub>2</sub>
"	4	18807	7 6	Net Territorial.....	do	560	15 8
"	5	11231	19 4	Light House and Tonnage Duty.....	do	10277	3 1
"	6	31345	9 4	Bank Imposts.....	do	1222	8 1
"	7	21430	14 10	Rents and Profits of the Seignior of Lauzon.....	do	16369	15 2
"	8	47299	9 1	Revenue from Public Works.....	do	309	8 4 <sup>1</sup> / <sub>2</sub>
"	9	70257	4 6	Militia Commissions, Fines and Exemptions.....	do	2938	6 4 <sup>1</sup> / <sub>2</sub>
				Fines and Forfeitures including Seizures.....	do	2454	11 0
				Casual Revenue.....	do	5820	11 5 <sup>1</sup> / <sub>2</sub>
				Incidental Statement.....	do	2077	12 9
				Saving on Schedule A for 1841.....	£1869 17 6 Sterling..	1690	5 0
				Saving on Schedule A for 1842.....			
		359538	12 3	Balance at Credit of Consolidated Fund as per Statement 1841.....			
		79347	8 11 <sup>1</sup> / <sub>2</sub>	Balance brought down.....			
		438886	1 2 <sup>1</sup> / <sub>2</sub>			365605	4 11 <sup>1</sup> / <sub>2</sub>
						73280	16 2 <sup>1</sup> / <sub>2</sub>
						438886	1 2 <sup>1</sup> / <sub>2</sub>
						79347	8 11 <sup>1</sup> / <sub>2</sub>

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.  
**F HINCKS,**  
Inspector General.

STATEMENT of the Revenue from Custom Duties in the Province of Canada, for the year 1842.

HEADS OF REVENUE.	Gross Amount of Collection.			Deductions made in progress of Collection.			Other Expenses of Collection paid by warrant on Receiver General.	Net Amount in Currency.							
	£	s.	d.	£	s.	d.			£	s.	d.				
PORTS.															
Customs Quebec.....	72923	13	10	4704	11	7	31	11	1	100	0	0	68087	11	2
do Montreal.....	152403	14	10½	2096	17	3½	595	4	3	220	6	8	149491	6	6
do Saint John's.....	17759	16	2				3	9	10	895	0	0	16861	6	4
do Philipsburg.....	773	8	11							146	9	11	626	19	0
do Coteau du Lac.....	832	10	1½							726	0	0	106	10	1½
do Stanstead.....	672	1	7							115	0	0	557	1	7
do Beauce.....	20	12	3½							10	6	1½	10	6	1½
do Amherstburg.....	241	5	8½	103	0	0	118	7	0				22	18	8½
do Bath.....	302	2	4	100	0	0							202	2	4
do Belleville.....	340	12	2	100	0	0							237	12	2
do Brockville.....	573	8	5	106	16	9							466	11	8
do Bond Head.....	63	6	2½	31	13	1							31	13	1½
do Burlington.....	7604	6	5	300	0	0	40	17	6				7263	8	11
do Chatham.....	245	14	8	100	0	0							145	14	8
do Chippewa.....	906	2	7½	100	0	0							806	2	7½
do Cobourg.....	1076	14	9½	128	16	8½							947	18	1½
do Cornwall.....	148	2	10	79	19	6							68	3	4
do Fort Erie.....	871	1	10½	100	0	0							771	1	10½
do Gananoque.....	48	2	9½	24	1	4½							24	1	5
do Goderich.....	44	18	0½	22	14	0							22	4	0½
do Hallowell.....	410	19	6	100	19	3							310	0	3
do Kingston.....	6826	10	4	313	3	4				2	19	9½	6510	7	2½
do Maria Town.....	57	11	5	28	15	8½							28	15	8½
do Newcastle.....	170	12	8½	87	9	2½							83	3	6
do Niagara.....	898	3	4½	100	10	3½							797	13	1
do Oakville.....	94	8	11	47	18	4½							46	10	6½
do Penetanguishine.....	156	4	11	78	2	5½							78	2	5½
do Prescott.....	273	2	7½	102	13	3½							170	9	4½
do Port Colborne.....	189	6	2½	52	17	6							136	8	8½
do Port Credit.....	1	19	3½	0	19	7½							0	19	7½
do Port Darlington.....	154	13	1	69	19	5							84	13	8
do Port Dalhousie.....	321	2	0½	100	0	0							221	2	0½
do Port Dover.....	280	2	2	100	17	5							179	4	9
do Maitland.....	3	17	9½	1	18	10½							1	18	10½
do Port Hope.....	520	10	2½	100	16	7				9	14	0	409	19	7½
do Port Sarnia.....	98	15	4	49	7	8							49	7	8
do Port Stanley.....	505	11	0½	101	17	0							403	14	0½
do Port Talbot.....	37	10	0	18	15	0							18	15	0
do Queenston.....	424	10	7½	100	0	0							324	10	7½
do River aux Raisin.....	28	5	6	14	2	9							14	2	9
do Sandwich.....	270	15	4½	111	1	4½							159	13	11½
do Toronto.....	8300	3	3	336	19	2½							8053	4	0½
do Turkey Point.....	272	14	4½	100	0	0							172	14	4½
do From Mr. Cameron.....	34	1	6										34	1	6
do Windsor.....	376	15	11½	100	8	9							276	7	2½
do Dunville.....	118	4	2½	50	0	0							68	4	2½
do Port Burwell.....	161	18	11½	80	19	5½							80	19	5½
Total.....	278930	7	3½	10449	2	10½	789	9	8	2225	16	8½	265465	18	0½
Deduct house rent, &c. allowed by Warrant Collector Beauce, 1841.....										79	6	2	79	6	2
							£	2305	2	10½			265386	11	10½

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

pendix  
(A.)  
1843.

ESTIMATE of certain Expenses of the Civil Government of the Province of Canada, for the year 1843, for which a supply is required.

Appendix  
(A.)  
1843.

SERVICES.	Storling.	Total Sterling Dollars at 4s. 6d.
	£ s. d.	£ s. d.
<b>ADJUTANT GENERAL OF MILITIA.</b>		
<i>Canada East.</i>		
Salary of the Adjutant General.....	450 0 0	
Do do First Clerk in the Office at 7s. 6d. Currency, per diem.....	123 3 9	
Do do Second do at 5s. do do.....	82 2 6	
Do do One Provincial Aide de Camp.....	180 0 0	
Contingent Expenses of Postages, Printing, Stationery, Messenger, &c.....	150 0 0	985 6 3
<i>Canada West.</i>		
Salary of One Clerk.....	153 0 0	
Contingent Expenses.....	100 0 0	253 0 0
<b>OFFICERS OF THE LEGISLATURE.</b>		
<i>Legislative Council.</i>		
Salary of the Clerk.....	450 0 0	
Do of Two Assistant Clerks.....	630 0 0	
Do of the Clerk of Committees, Law Clerk and English Translator.....	225 0 0	
Do do Gentleman Usher of the Black Rod.....	90 0 0	
Do do Sergeant at Arms.....	90 0 0	
Do do Chaplain, to act as Librarian.....	180 0 0	
Do do Doorkeeper.....	54 0 0	
Do do Head Messenger.....	90 0 0	
Do of Three Messengers for the Session at £45 Currency, each.....	121 10 0	
Contingent Expenses.....	4500 0 0	6430 10 0
<i>Legislative Assembly.</i>		
Salary of the Speaker.....	900 0 0	
Do do Clerk.....	450 0 0	
Do do Assistant do.....	360 0 0	
Do do English Translator and Law Clerk.....	315 0 0	
Do do French Translator and Law Clerk.....	225 0 0	
Do do Sergeant at Arms.....	90 0 0	
Do do Clerk of the Crown in Chancery.....	135 0 0	
Contingent Expenses.....	6500 0 0	
Sessional Allowance to Members.....	6000 0 0	14975 0 0
<i>Pensions to Officers and Servants of the late Legislative Bodies of the two portions of the Province of Canada.</i>		
William Smith, as late Clerk of the Legislative Council of Lower Canada and as Master in Chancery.....	354 0 0	
Jacques Voyer, as late Clerk of Committees to do from 1st to 6th January, 1843, at £150 Sterling, per annum.....	3 6 8	
William Ginger, as late Sergeant at Arms to do.....	60 0 0	
Lewis Noreau, as late Messenger to do.....	18 0 0	
L. B. Pinguet, as Clerk of Committees of the House of Assembly in do.....	60 0 0	
Samuel Waller, do as do in do.....	90 0 0	
David Jardine, do as do in Upper Canada.....	120 0 0	
William Coates, the same.....	120 0 0	
Jasper Brewer, as late Librarian to the House of Assembly of Lower Canada.....	120 0 0	
Francis Rodrigue, as Messenger to do.....	16 4 0	
Lewis Gagné, the same.....	16 4 0	
Aeneas Bell, the same in Upper Canada.....	16 4 0	993 18
<i>Promotion of Education.</i>		
Salary of the Secretary of the Royal Institution for the advancement of Learning.....	90 0 0	
Allowance to do for a Clerk, Messenger and Contingencies.....	61 0 0	
Salary of the Master of the Grammar School at Montreal and Allowance for House Rent.....	254 0 0	
Towards the support of the National School at Quebec.....	100 0 0	
Do the same at Montreal.....	100 0 0	
To the Society of Education at Quebec.....	252 0 0	
Do same Society at Three Rivers.....	90 0 0	
Do British and Canadian School at Quebec.....	180 0 0	
Do do do at Montreal.....	180 0 0	
Do St. Andrew's School at Quebec.....	90 0 0	
Do Montreal Recollet School.....	54 0 0	
Do St. Jacques School at Montreal.....	180 0 0	
Do Montreal American Presbyterian Free School.....	90 0 0	
Do College of St. Ann de la Pocatière.....	180 0 0	
Do do at St. Hyacinthe.....	180 0 0	
Do do at Chambly.....	180 0 0	
Do do at L'Assomption.....	90 0 0	
Do Teacher of the Academy at Berthier.....	90 0 0	
Do Academy at Charlestown.....	90 0 0	
Do Stanstead Seminary.....	90 0 0	
Do Academy at Shefford.....	90 0 0	
Do Sherbrooke Academy.....	100 0 0	
Carried over.....	£ 2911 0 0	23637 14 11

## ESTIMATE of certain Expenses of the Civil Government, &amp;c.—Continued.

1843.

1843.

SERVICES.	Sterling.			Total Sterling Dollars at 4s. 6d.		
	£	s.	d.	£	s.	d.
<i>Brought over</i> .....	2811	0	0	23637	14	11
<i>Promotion of Education,—Continued.</i>						
To the Rev. Andrew Balfour's School at Waterloo in Shefford.....	99	0	0			
Do Master of the School under the Royal Institution at Three Rivers for his Salary...	40	10	0			
Do British North American School Society at Sherbrooke.....	45	0	0			
Do Upper Canada College.....	1000	0	0			
Do Central School.....	400	0	0			
Do Victoria College.....	450	0	0			
Do High School in Durham Village, County of Missisquoi.....	90	0	0			
Do Infant School at Quebec.....	50	0	0			
Do McGill College.....	450	0	0			
Salary of Superintendent of Education.....	675	0	0			
Contingent Expenses of do.....	500	0	0			
				6601	10	0
<i>Various Public Institutions.</i>						
Aid to the Literary and Historical Society of Quebec.....	45	0	0			
Do do National Historical Society of Montreal.....	45	0	0			
Do do Quebec Mechanics Institute.....	45	0	0			
Do do Montreal do.....	45	0	0			
Do do Agricultural Societies in Canada East.....	900	0	0			
Do do Support of the Provincial Penitentiary.....	6160	0	0			
				7240	0	0
<i>Hospitals and other Charities.</i>						
To the Commissioners for the relief of Insane Persons, relief of Foundlings and Indigent Sick Persons in the District of Quebec.....	1750	0	0			
The same in the District of Montreal.....	1150	0	0			
Do do do of Three Rivers.....	680	0	0			
To the Corporation of the General Hospital at Montreal, as an aid towards their Expenses	900	0	0			
Aid to the Managers of the Female Orphan Asylum at Quebec.....	90	0	0			
Do do Ladies of the Benevolent Society at Montreal, for Widows and Orphans.....	90	0	0			
Do do Roman Catholic Orphan Asylum at Quebec.....	90	0	0			
Do do Montreal Protestant Orphan Asylum.....	90	0	0			
Do do Managers Male Orphan Asylum, Quebec.....	90	0	0			
Do do Charitable Ladies of the Roman Catholic Orphan Asylum at Montreal.....	90	0	0			
Do towards the support of the Temporary Lunatic Asylum at Montreal.....	1100	0	0			
Do the same at Toronto, including Medical Superintendent and a balance for 1842.....	2250	0	0			
Do towards the support of the Toronto General Hospital.....	450	0	0			
Do do the Toronto House of Industry.....	315	0	0			
Do do the relief of the Indigent Sick at Kingston.....	315	0	0			
				9450	0	0
<i>Miscellaneous.</i>						
Allowance for Translating Public Documents into French.....	50	0	0			
Salary of the Inspector of Chimnies at Three Rivers.....	25	0	0			
Allowance for Three Keepers of Depots of Provisions in the River St. Lawrence, with a view to the relief of Shipwrecked Mariners.....	150	0	0			
Salary of the Keeper of the Legislative Buildings at Quebec.....	90	0	0			
Contingent Expenses of Insurance, Fuel, &c. for the same.....	150	0	0			
Do do of Postage, Printing, &c. for the Office of Clerk of the Crown in Chancery.....	100	0	0			
Allowance to Pierre Brochu for residing on the Kempt Road with a view of assisting Travellers passing on that Road.....	22	10	0			
Expenses of Quarantine Establishment at Quebec and Grosse Isle.....	1800	0	0			
Do of Printing Laws and other Printing for the Public Service.....	4500	0	0			
Do for distributing the same.....	250	0	0			
Do for Translating the same.....	300	0	0			
For the ordinary repairs, alterations and care of Public Buildings, &c.....	2000	0	0			
For unforeseen and indispensable expenses in the various branches of the Public Service..	500	0	0			
Salary of the Deputy Collector at Philipsburg and dependant on the Port of St. Johns.....	90	0	0			
Allowance to do for Rent of a Custom House.....	22	10	0			
Salary of a Landing Waiter at the same Port.....	36	0	0			
For do of an Assistant or Clerk of the Collector at St. Johns.....	180	0	0			
Expenses of enregistering certain Public Documents under Ordinance 4 Vic. cap. 30.....	100	0	0			
Expenses of the Commission of Enquiry into the mode of Collecting the Revenue in the Western portion of the Province, and travelling and Contingent Expenses.....	850	0	0			
Do of Commission to the Magdalen Islands.....	130	0	0			
For additional Salary to Andrew Patton as Land Waiter at the Port of Stanstead for 1842 and 1843.....	45	0	0			
To pay Charles C. Small, Esq. for Services as Clerk at Special Assizes in the Home District in 1838.....	175	0	0			
To John F. Taylor, a balance due him for like Services in the London and Niagara Districts in the same year.....	69	0	0			
To liquidate the claims of several Sheriffs in Upper Canada for Services previous to the Union of the Provinces.....	60	0	0			
To pay David Thorburn, Esq. Justice of the Peace for the District of Niagara, for the Expenses attending the calling out of a Troop of Cavalry in aid of the Civil Power in July, 1842, to suppress a riot among the Laborers on the line of the Welland Canal, £56 14s. 4d. Currency.....	51	0	11			
Expenses of the Commission of Enquiry into the practice of Courts of Chancery District Victoria, to refund to the Treasurer of that District the amount of Monies paid to the Receiver General for Assessment of Members' Wages in 1842.....	50	0	0			
	81	7	6			
<i>Carried forward</i> .....	£	11877	8 5	46929	4 11	

## ESTIMATE of certain Expenses of the Civil Government, &amp;c.—Continued.

Appendix  
(A.)Appendix  
(A.)

1843.

1843.

SERVICES.	Sterling.	Total Sterling Dollars at 4s. 6d.
<i>Brought forward</i> .....	£ 11877 8 5	£ 46929 4 11
<i>Miscellaneous,—Continued.</i>		
For Assessment on Public Property in the Cities of Quebec and Montreal, imposed by the City Corporation instead of the rates established by the Act 36 Geo. 3. cap. 9.....	900 0 0	
Messrs. Armour and Ramsay's Account for Stationery, furnished for the Executive Council of Lower Canada in 1840 and part of 1841, previous to the Union.....	37 19 9	
So much contracted for by the Commissioners appointed for the improvement of Roads and Bridges in Canada West, over and above the appropriation made for these objects by Provincial Act, 7 W. 4. cap. 107, continued by 2 Vic. cap. 56, £1577 4s. 5d. Currency	1419 10 0	
Expenses of Commission of Enquiry respecting change of Tenure.....	1000 0 0	
Additional Salary to the Interpreter of the Courts at Quebec for 1842 and 1843, as recommended in a Report of a Committee of the Legislative Assembly in 1841.....	63 0 0	
The same at Montreal.....	63 0 0	
Balance due in the Contingent Expenses of the late Special Council of Lower Canada, for Printing, £227 17s. 6d. Currency.....	205 1 9	
Proportion of Expense of keeping Light Houses on the Isles St. Paul and Scatarie in the Gulf, under Provincial Act, Lower Canada, 6 W. 4. cap. 38, for the years 1841, 1842 and 1843.....	1800 0 0	
Amount of Salary to J. Joseph, as late Clerk of the Legislative Council of Upper Canada from 10th February to 9th June, 1841, at £180 Sterling, per annum.....	60 0 0	
Contingent Expenses incurred in the attempt to establish a Normal School at Quebec, under Provincial Act 6 W. 4. cap. 12, for care of Books and Apparatus of that Establishment.....	27 0 0	
Charles P. Huot, to reimburse so much advanced by the Commissioners for improving the Internal Communication in the former County Northumberland, Canada East, £112 17s. 11d. Currency.....	101 12 2	
To enable Her Majesty to refund Nicholas Cleary for his losses in having certain articles seized at Port Hope under particular circumstances, £62 3s. 7d. Currency.....	55 19 3	
As a compensation to William Stalker of Peterboro, for an injury received from a Gun Shot Wound whilst in the discharge of his duty as Constable, £75 Currency.....	67 10 0	
To reimburse the Commissioner of Crown Lands so much paid to Malcolm Cameron, Esq. in reimbursement of Outlays on the Military Reserve at Port Edward, Sarnia, under an Order in Council of 19th March, 1843.....	27 0 0	
Expenses of Commissioners appointed to investigate the expenditure under Provincial Act, 7 W. 4. cap. 107.....	450 0 0	
Do do for enquiring into the state and expenditure of District Macadamized Roads	494 12 10	
Expenses incurred and to be incurred by Commissioners of Crown Lands in establishing the Ashfield Settlement.....	708 0 6	
The same for the Owen Sound Settlement.....	484 16 2	
For opening the Lambton Road.....	205 13 0	
For improving the Kennebec Road.....	254 1 1	
For exploring the Saguenay Territory.....	67 10 0	
For opening the Saguenay Road.....	1500 0 0	
		21869 14 11
Amount of Expenses incurred in 1841 and 1842 for Services unprovided for as hereunder, viz:		
	Currency.	
• On Toronto and Saugine Road in 1842.....	£ 436 8 6	392 15 8
On Tecumseh Road in 1841 and 1842.....	1007 3 3	906 8 11
On Paris Bridge do do.....	313 16 9	282 9 1
On River DeLisle Bridge in 1841.....	113 8 1	102 1 3
On Presque Isle Light House.....	24 7 7	21 18 10
On Gull Island Light House.....	522 19 4	470 13 5
On Cape Rouge Bridge.....	17 19 8	16 3 9
For Survey of Missisquoiis Canal.....		107 4 7
Excess in Schedule A. in the year ended the 31st December, 1841, as per detailed statement I. in the Public Accounts for 1842.....		1181 11 5
Do in do ended 31st December, 1842, as per Statement B. No. 2, in the Public Accounts of 1842.....		3505 17 10
Paid Robert Murray, Deputy Superintendent of Education for Salary of a Temporary Clerk from 14th June to 30th September, 1842, at £157 10s. per annum....	£ 47 0 8	
R. S. Jameson, for Contingencies as Superintendent of Education to 26th January, 1843.....	142 1 0	
A. W. Cochrane, for Contingencies and remuneration as Commissioner of Gaspé Enquiry.....	213 15 2	
Do P. B. Dumoulin for remuneration as do.....	112 10 0	
Do J. E. Turcotte, for Translating the Acts of last Session.....	90 0 0	
Do T. A. Begley, to pay Inundation Commission Expenses at Montreal..	71 2 0	
Do Major F. Richardson, encouragement for his work on the War of 1812..	225 0 0	
Do J. Cremazic, do for work on Criminal Law.....	225 0 0	
	1126 8 10	
		8113 13 7
Sterling.....	£	76912 13 5
Currency.....	£	85458 10 5

INSPECTOR GENERAL'S OFFICE,  
Kingston, 7th October, 1843.F. HINCKS,  
Inspector General



Appendix  
(A.)

## ESTIMATE of the probable Amount of Public Expenditure and Net Revenue of the Consolidated Revenue Fund of the Province of Canada, for the year 1843.

Appendix  
(A.)

1843.

1843.

HEADS OF EXPENDITURE.	Amount Currency.	HEADS OF REVENUE.	Amount Currency.
	£ s. d.		£ s. d.
Interest on Public Debt.....	98200 0 0	Customs, Net.....	200000 0 0
Amount of Civil List.....	83333 6 8	Excise.....	30000 0 0
<b>PERMANENT CHARGES PROVIDED FOR BY LEGISLATIVE ENACTMENTS.</b>		Territorial.....	35600 0 0
<i>Lower Canada.</i>		Light House and Tonnage Du- ties C. W.....	600 0 0
Act 55 Geo. 3. Cap. 10, Pensions to Wounded Militiamen.	364 10 0	Bank Imposts.....	8000 0 0
Do 6 Geo. 4. Cap. 8, Fees to Prothonotaries on returns of Baptisms, Marriages and Burials.....	100 0 0	Militia Commissions, Fines, &c..	300 0 0
Do 1 Wil. 4. Cap. 16, Ground Rent of Property of Bishop's Palace, at Quebec.....	1111 2 2	Fines, Forfeitures, Seizures, &c..	2500 0 0
Do 1 Wil. 4. Cap. 6, continued by Ord. 3. Vic. Cap. 15, Rewards for the destruction of Wolves.....	150 0 0	Casual.....	7500 0 0
Act 4 Will. 4. Cap. 7, Encouragement of Agriculture....	300 0 0	From Public Works.....	33000 0 0
Ord. 2 Vic. Cap. 22, House of Correction at Three Rivers.	100 0 0	Balance at credit of Consolidated Fund, 31st December, 1842....	79347 0 0
Various Acts, Interest on Turnpike Trusts.....	2300 0 0		
Ord. 3 Vic. Cap. 22, For continuing Post Road to the State of Maine by the Kennebec.....	344 0 0		
Balance due to the Military Chest for Emigration pur- poses, amount appropriated by Legislature, in 1841, £2289 4s. 8d. Sterling.....	2543 11 10		
2 Vic. Cap. 2, Expenses of Police in the Cities of Quebec and Montreal.....	1500 0 0		
2 Vic. Cap. 53, For acquiring ground for Cap Rouge Bridge.....	29 4 2		
3 Vic. Cap. 15, Distributing the Laws in Canada East....	150 0 0		
<i>Upper Canada.</i>			
Adjutant and Deputy Adjutant General of Militia and Con- tingencies.....	885 0 0		
District Schools.....	1800 0 0		
Maintenance of Lighthouses.....	2500 0 0		
Militia Courts Martial.....	30 0 0		
Militia Pensions.....	3750 0 0		
Agricultural Societies.....	2300 0 0		
<i>By Acts of the Legislature of the Province of Canada.</i>			
4 & 5 Vic. Cap. 50, Balance of Appropriation for Printing the Revised Statutes of Upper Canada in 1843.....	1500 0 0		
4 & 5 Vic. Cap. 50, Balance of Appropriation for Geolo- gical Survey of the Province.....	1606 13 4		
4 & 5 Vic. Cap. 3, 8 & 20, Sums required to make up deficiency of Fee Fund in both Sections of the Province.	4600 0 0		
4 & 5 Vic. Cap. 15, Balance of Grant for erection of Light Houses in Bicquet and South Pillar Islands.....	4000 0 0		
4 & 5 Vic. Cap. 18, Common Schools Ba- lance for 1842.....	£33,896 5 4		
Amount for 1843.....	50,000 0 0		
	83896 5 4		
4 & 5 Vic. Cap. 69, Expenses of transporting Convicts to Provincial Penitentiary.....	350 0 0		
3 Vic. Cap. 10, For facilitating the despatch of business before the Court of King's Bench, Montreal.....	555 11 1		
6 Vic. Cap. 9, Commissary General Filder.—Expenses of sending Troops to quell Riots during the Election at Belleville.....	72 14 1		
Do G. W. Wicksteed for Services as Law Clerk to Government.....	100 0 0		
Do P. J. Roblin as Assessor in the Townships of Sidney, Rawdon and Madoc.....	55 0 0		
Do Balance of Appropriation for Lunatic Asylum at Montreal for 1842.....	222 4 5		
Do do do for Provincial Penitentiary, do.	2136 14 8		
Do do do Printing for 1842.....	320 6 2		
Do do do Lunatic Asylum at Toronto for do	108 15 11		
Do do do Allowance to P. Brochu for residing on Kempt Road.....	6 5 0		
Do do do Keepers of Provisions on the St. Lawrence.....	50 0 0		
Do do for sundry Aids for promoting Educa- tion for 1812, part paid in 1843, part not yet called for.....	2532 4 5		
Do do for Sessional Allowance to 2 Members of Legislative Assembly for 1842.....	49 10 0		
Do Balance for Revision of Laws in Lower Canada.....	633 6 8		
Do Cap. 1, Fees to Returning Officers.....	200 0 0		
For Payments to the Clergy.....	2777 15 6		
	£ 307564 1 5		
Estimate of Expenses for 1843.....	85458 10 5		
Total.....	£ 393022 11 10	Total.....	£ 396847 0 0

INSPECTOR GENERAL'S OFFICE,  
Kingston, 7th October, 1843.F. HINCKS,  
Inspector General.

## PROVINCE OF CANADA.

STATEMENT of the Revenue arising from Duties on Licenses for Shops retailing Spirituous Liquors, Inns, Stills, Billiard Tables, Hawkers and Pedlars, Steam Boats, and Ale and Beer Houses, during the year ended 5th January, 1843.

DISTRICT.	QUARTERS.				Total Gross Revenue.	Expenses of Collection.	Net Revenue.
	1st	2nd	3rd	4th			
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Distilleries.</i>							
Montreal.....	2537 9 8	12 2 3	42 14 0	1741 12 3	4333 18 2	216 13 6½	4117 4 7½
Quebec.....	.. .. .	.. .. .	.. .. .	7 19 0	7 19 0	0 7 11	7 11 1
St. Francis.....	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .	.. .. .
<i>Other Licenses.</i>							
Canada East.....	1268 0 0	5970 0 0	1020 10 0	228 0 0	8486 10 0	.. .. .	8486 10 0
Bathurst.....	837 0 0	31 10 0	.. .. .	.. .. .	868 10 0	141 5 1	727 4 11
Brock.....	157 12 7½	24 10 0	.. .. .	42 0 0	224 2 7½	47 4 0	176 18 7½
Colborne.....	108 0 0	40 13 0	.. .. .	83 19 9	243 12 9	51 2 1	192 10 8
Dalhousie.....	.. .. .	.. .. .	11 0 0	.. .. .	18 0 0	2 5 0	15 15 0
Eastern.....	198 0 0	127 10 0	12 10 0	35 0 0	373 0 0	61 12 10	311 7 2
Gore.....	474 18 0	287 8 0	148 15 0	334 4 6	1245 5 6	133 8 9	1111 16 9
Home.....	1937 3 0	428 11 0	234 17 0	47 2 6	2647 13 6	189 10 1	2458 3 5
Huron.....	91 5 0	18 10 0	15 5 0	39 0 0	164 0 0	33 6 0	130 14 0
Johnstown.....	993 14 0	49 0 0	10 10 0	1 0 0	1054 4 0	159 8 6½	894 15 5½
London.....	428 2 0	155 12 0	112 10 7	249 17 9	946 2 4	139 6 3½	806 16 0½
Midland.....	490 8 6	169 10 0	112 0 0	48 0 0	819 18 6	40 19 11	778 18 7
Newcastle.....	166 13 0	.. .. .	.. .. .	163 7 0	330 0 0	86 5 0	243 15 0
Niagara.....	2213 0 6	168 16 6	112 16 0	67 12 0	2562 5 0	237 17 8	2324 7 4
Ottawa.....	220 18 9	31 0 0	.. .. .	7 10 0	259 8 9	52 14 0	206 14 9
Prince Edward.....	12 10 0	33 0 0	7 10 0	.. .. .	53 0 0	13 5 4	39 14 8
Talbot.....	171 19 6	13 0 0	25 0 0	.. .. .	209 19 6	38 19 10	170 19 8
Victoria.....	259 10 0	84 10 0	25 10 0	15 0 0	384 10 0	48 1 3	336 8 9
Wellington.....	63 10 0	200 6 6	20 0 0	141 0 0	424 16 6	71 2 8	353 13 10
Western.....	494 14 0	103 17 6	33 10 0	106 11 0	738 12 6	135 17 1	602 15 5
Total.....£	13124 8 6½	7949 6 9	1962 17 7	3358 15 9	26395 8 7½	1900 12 10½	24494 15 9½
Auction Duties, as per Statement annexed, Currency.....	.. .. .	.. .. .	.. .. .	.. .. .	7595 18 1½	165 13 5½	7430 4 8½
Total Excise Cy...£	.. .. .	.. .. .	.. .. .	.. .. .	33991 6 9½	2066 6 3½	31925 0 5½

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

Appendix (A.) 1843.

Appendix (A.) 1843.

PROVINCE OF CANADA.

DETAILED STATEMENT of the Revenue arising from the foregoing during the year ended 5th January, 1843.

DISTRICT.	Shops.		Inns.		Stillis.		Billiard Tables.		Hawkers & Pedlars.		Steam Boats.		Ale & Beer Houses.		Total Gross Revenue.		Expenses of Collection.		Net Revenue.		
	No.	Duty. £ s. d.	No.	Duty. £ s. d.	No.	Duty. £ s. d.	No.	Duty. £ s. d.	No.	Duty. £ s. d.	No.	Duty. £ s. d.	No.	Duty. £ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Montreal	780	3120 0 0	1245	4980 0 0	33	4333 18 2	1	12 10 0	187	374 0 0					12828 7 2	217 1 5	42611 5 8				
Quebec																					
St. Francis																					
Bathurst	26	270 0 0	95	483 0 0	6	60 10 0			7	50 0 0			3	5 0 0	868 10 0	141 5 1	727 4 11				
Brook	6	45 0 0	15	58 10 0	7	108 12 7½			1	10 0 0			1	2 0 0	224 2 7½	47 4 0	176 18 7½				
Colborne	7	52 10 0	31	120 0 0	5	59 17 9			2	11 5 0					243 12 9	51 2 1	192 10 8				
Dalhousie	2	15 0 0	1	3 0 0											18 0 0	2 5 0	15 15 0				
Eastern	34	255 0 0	10	65 10 0	12	254 5 6			5	35 0 0	1	7 10 0	3	10 0 0	373 0 0	61 12 10	311 7 2				
Gore	46	345 0 0	105	530 0 0	22	447 13 6	2	80 0 0	9	60 0 0			30	56 0 0	1245 5 6	133 8 9	1111 16 9				
Home	88	680 0 0	184	1226 10 0	22	447 13 6			19	120 0 0			23	46 0 0	2647 13 6	189 10 1	2458 3 5				
Huron	5	37 10 0	25	96 10 0	3	27 0 0			3	30 0 0	2	15 0 0	2	3 0 0	164 0 0	33 6 0	130 14 0				
Johnstown	41	307 10 0	99	490 10 0	2	172 4 0			3	30 0 0			31	39 0 0	1054 4 0	159 8 6½	894 15 5½				
London	18	135 0 0	101	543 0 0	10	201 2 4			6	55 0 0			10	12 0 0	946 2 4	139 6 3½	806 16 0½				
Midland	24	180 0 0	54	290 0 0	4	170 18 6	1	40 0 0	9	65 0 0			9	21 10 0	819 18 6	40 19 11	778 18 7				
Newcastle	17	127 10 0	7	33 0 0	9	169 10 0									330 0 0	86 5 0	243 15 0				
Niagara	59	442 10 0	172	1702 10 0	12	172 10 0			16	140 0 0			37	104 15 0	2562 5 0	237 17 8	2324 7 4				
Ottawa	9	67 10 0	13	52 0 0	2	29 18 9			1	10 0 0					259 8 9	52 14 0	206 14 9				
Prince Edward	1	7 10 0	3	13 10 0	1	22 10 0									53 0 0	13 5 4	39 14 8				
Talbot	2	15 0 0	4	16 10 0	5	120 9 6			5	55 0 0	1	7 10 0	3	3 0 0	209 19 6	38 19 10	170 19 8				
Victoria	10	75 0 0	51	256 10 0	3	42 0 0			1	5 0 0			3	6 0 0	384 10 0	48 1 3	336 8 9				
Wellington	11	82 10 0	16	75 10 0	7	240 16 6			2	20 0 0			3	5 0 0	424 16 6	71 2 8	353 13 10				
Western	14	105 0 0	98	519 5 0	6	72 7 6			2	15 0 0	2	15 0 0	4	12 0 0	738 12 6	135 17 1	602 15 5				
Totals	1210	6345 0 0	2329	11556 5 0	150	6814 3 7½	4	132 10 0	275	1055 5 0	22	185 0 0	163	327 5 0	26395 8 7½	1900 12 10½	24494 15 9½				
Auction Duties, as per Statement annexed, Currency															7595 18 1½	165 13 5½	7430 4 8½				
Total Excise Currency															33991 6 9½	2066 6 3½	31925 0 5½				

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

PROVINCE OF CANADA.

1843.

STATEMENT of the Revenue arising from duties on Licenses to Auctioneers, and on sales by Auction, during the year ended 5th January, 1843.

1843.

DISTRICT.	QUARTERS.				Total Gross Revenue.	Expense of Collection.	Net Revenue.
	1st.	2d.	3d.	4th.			
Montreal.....	£ s. d. 223 0 0	£ s. d. 2227 8 5	£ s. d. 1058 16 1	£ s. d. 1717 5 7	£ s. d. 5226 10 2	£ s. d. 127 7 5	£ s. d. 5099 2 8
Quebec.....	40 0 0	366 17 6	677 4 3	432 9 0	1516 10 9	37 18 2	1478 12 7
St. Francis.....	13 4 1	0 6 1	5 19 1	.. .. .	19 10 2	0 7 10	19 2 4
<b>By Collectors of Customs, Port of</b>	<b>276 4 1</b>	<b>3594 12 11</b>	<b>1741 19 5</b>	<b>2149 14 7</b>	<b>6762 11 1</b>	<b>165 13 5</b>	<b>6596 17 7</b>
Belleville.....	5 0 0	.. .. .	.. .. .	0 10 2	5 10 2	} Commission, viz: 5 per cent. included in the Item £10,449 2 10; Commission and other expenses of collection of Customs Duties.	} 833 7 0
Brockville.....	41 5 2	.. .. .	5 0 0	10 0 0	56 5 2		
Burlington.....	5 19 11	12 19 9	6 3 1	.. .. .	25 2 9		
Cobourg.....	1 4 9	.. .. .	.. .. .	.. .. .	1 4 9		
Cornwall.....	.. .. .	5 0 0	0 11 9	.. .. .	5 11 9		
Hallowell.....	.. .. .	.. .. .	5 0 0	19 0 5	24 0 5		
Kingston.....	24 6 4	15 0 0	94 16 2	81 13 10	215 16 4		
Niagara.....	0 5 5	5 0 0	5 0 0	.. .. .	10 5 5		
Prescott.....	.. .. .	10 9 5	1 2 4	6 13 10	18 5 8		
Port Dover.....	16 8 6	0 19 0	.. .. .	0 1 3	17 8 9		
Port Hope.....	5 0 0	.. .. .	0 9 10	11 2 6	16 12 4		
Port Stanley.....	5 0 0	18 3 2	5 0 0	8 16 5	36 19 7		
Toronto.....	94 12 5	105 15 5	124 13 5	61 7 3	386 8 6		
Windsor.....	5 13 10	0 2 6	.. .. .	2 18 10	8 15 2		
Goderich.....	.. .. .	5 0 0	.. .. .	.. .. .	5 0 0		
<b>Totals Currency.... £</b>	<b>481 0 5</b>	<b>3773 2 3</b>	<b>1989 16 2</b>	<b>2351 19 2</b>	<b>7595 18 1</b>	<b>165 13 5</b>	<b>7430 4 8</b>

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

DETAILED Statement of Revenue arising from the foregoing during the year ended 5th January, 1843.

DISTRICT.	Licenses to Auctioneers.		Sales by Auction.	Total Gross Revenue.	Expenses of Collection.	Net Revenue.
	No.	Duty.				
Montreal.....	25	£ s. d. 125 0 0	£ s. d. 5101 10 2	£ s. d. 5226 10 2	£ s. d. 127 7 5	£ s. d. 5099 2 8
Quebec.....	12	60 0 0	1456 10 9	1516 10 9	37 18 2	1478 12 7
St. Francis.....	1	5 0 0	14 10 2	19 10 2	0 7 10	19 2 4
<b>By Collectors of Customs, Ports of</b>	<b>38</b>	<b>190 0 0</b>	<b>6572 11 1</b>	<b>6762 11 1</b>	<b>165 13 5</b>	<b>6596 17 7</b>
Belleville.....	1	5 0 0	0 10 2	5 10 2	} Commission, viz: 5 per cent. included in the Item £10,449 2 10; Commission and other expenses of collection of Customs duties.	} 833 7 0
Brockville.....	7	35 0 0	21 5 2	56 5 2		
Burlington.....	4	20 0 0	5 2 9	25 2 9		
Cobourg.....	..	.. .. .	1 4 9	1 4 9		
Cornwall.....	1	5 0 0	0 11 9	5 11 9		
Goderich.....	1	5 0 0	.. .. .	5 0 0		
Hallowell.....	1	5 0 0	19 0 5	24 0 5		
Kingston.....	10	50 0 0	165 16 4	215 16 4		
Niagara.....	2	10 0 0	0 5 5	10 5 5		
Prescott.....	3	15 0 0	3 5 8	18 5 8		
Port Dover.....	2	10 0 0	7 8 9	17 8 9		
Port Hope.....	1	5 0 0	11 12 4	16 12 4		
Port Stanley.....	3	15 0 0	21 19 7	36 19 7		
Toronto.....	14	70 0 0	316 8 6	386 8 6		
Windsor.....	1	5 0 0	3 15 2	8 15 2		
<b>Totals Currency....</b>	<b>89</b>	<b>£ 445 0 0</b>	<b>7150 18 1</b>	<b>7595 18 1</b>	<b>165 13 5</b>	<b>7430 4 8</b>

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

STATEMENT of the sums composing the Territorial Revenue of the Province of Canada,  
for the year ended the 31st December, 1842.

	Amount Currency.			Total Currency.			
	£	s.	d.	£	s.	d.	
From the Hudson's Bay Company, 12 Months rent of the <i>King's Post</i> to the 10th October, 1842.....	..	..	..	..	..	..	1200 0 0
<i>Rent of Water Lots at Quebec.</i>							
" A. Gilmour, two years rent to 24th June, 1842, at £22 2s. per annum.....	..	..	..	44	4	0	
" J. Bonner, five do. to 7th July, 1842, at £8 11s. 6d. per annum.....	..	..	..	42	17	6	
" William Petry, five do. to do. at £1 12s. 9d.....	..	..	..	8	3	9	
" Forsyth & Walker, two do. to 24th June, 1842, at £32 3s. 6d. per annum.....	..	..	..	64	7	0	
" Pemberton Brothers, one do. do. do.....	..	..	..	6	5	0	
" George Black, one do. do. do.....	..	..	..	26	5	7	
" H. & W. Sharples, one do. do. do.....	..	..	..	6	5	0	
" George Taylor, one do. do. do.....	..	..	..	35	19	1	
" William Phillips, one do. do. do.....	..	..	..	1	0	0	
" Charles Lortie, five do. do. do. at 1s. per annum.....	..	..	..	0	5	0	
" Rev. J. Signay, part of one do. to do.....	..	..	..	3	2	6	
<i>Mutation Fine.</i>							238 14 5
A. Simpson.....	..	..	..	..	..	..	25 10 0
<i>Droits de Mortissements.</i>							
Fabrique de Québec.....	..	..	..	..	..	..	32 10 0
<i>Quints.</i>							
From Sundry persons.....	..	..	..	..	..	..	59 0 0
<i>Lods et Ventes.</i>							
" Sundry persons.....	..	..	..	..	..	..	2000 17 2
<i>Receipts by the Commissioner of Crown Lands.</i>							
Sales and Instalments on Crown Lands, in the Province of Canada.....	18223	4	3				
Rents and Arrears on Lands or Leases.....	507	19	1				
Water Lots, Quebec.....	337	18	4				
Advanced to Lambton and Kennebec Road (repaid).....	656	2	8				
Forfeited Deposits.....	15	0	0				
Quit Rent Sales.....	56	5	0				
Interest on Instalments paid by Lord Mountcashel.....	60	0	0				
Land Rights absorbed in payments of Clergy Sales, entered in 1841.....	678	4	3				
Fees on Grants.....	£711	5	0				
Land and Casual Fees from the Surveyor General	494	17	5				
	1206	2	5				
<i>Woods and Forests.</i>							21740 16 0
Receipts per James Stephenson's Returns.....	13769	11	0				
" " James Morrison's ".....	234	17	4				
" " William McDonald's ".....	97	10	0				
" " C. F. Fournier's ".....	544	11	5				
" " G. L. Marler's ".....	306	13	4				
" from sundry small Collections.....	137	4	5				
<i>Rent of Ferries.</i>							15090 7 6
Ferry at Bytown.....	..	..	..	16	0	0	
" Kingston to Wolf Island.....	..	..	..	37	10	0	
" Brockville to Morristown.....	..	..	..	2	10	0	
" Prescott to Ogdensburgh.....	..	..	..	150	0	0	
							206 0 0
Fees on grants of Lands and Leases.....	..	..	..	..	..	..	70 10 11
Instalment paid by Canada Company.....	..	..	..	..	..	..	1111 2 3
<i>Carried over.....</i>							Total Cury. £ 51775 8 3

Appendix  
(A.)  
1843.

**A. 3.**

Appendix  
(A.)  
1843.

STATEMENT of the sums composing the Territorial Revenue, &c.—Continued.

	Amount Currency.	Total Currency.
	£ s. d.	£ s. d.
<i>Brought forward</i> .....	.. .. .	51775 8 3
<b>DEDUCTIONS</b>		
<i>By the Commission of Crown Lands.</i>		
Land Rights absorbed in the year ended the 31st December, 1842 .....	8698 16 9	
Militia Scrip.....	8101 11 8	
Surveys.....	909 7 8	
Cancelled Sales.....	177 8 0	
Sundry Items.....	1668 17 9	
Agents' Commission .....	1072 15 6	
General Disbursements in Crown Lands and Surveyor General's Offices .....	4703 3 7	
<b>DEDUCTIONS</b>	25332 0 10	
<i>Woods and Forests Account.</i>		
Paid G. L. Marler, Forest Ranger.....	51 13 7	
“ William Morrison, do. ....	21 6 6	
Repayment of an Error.....	23 5 1	
Commission.....	43 18 2	
Deductions and Salaries, Bytown.....	1455 17 6	
	1596 0 10	
<i>Payments by Warrant in Deduction.</i>		
	£ 26928 1 8	
Salary of the Clerk of the Terrars of the Queen's Domain.....	90 0 0	
Commission to the Inspector General of the do.....	155 16 11	
Overpayment on Lods et Ventes.....	1 5 0	
	£ 247 1 11	
Sterling.....	£ 274 11 0	27202 12 8
Net Currency.....	.. .. .	£ 24572 15 7

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

**A. 4.**

PROVINCE OF CANADA.

STATEMENT OF REVENUE arising from the Light House or Tonnage Duty, under the Act U. C. 7 Will. 4. ch. 95, during the year ended 5th January, 1843.

PORT WHERE COLLECTED.	QUARTER ENDED.				Total Revenue.	Expenses of Collection.	Net Revenue.
	5th April, 1842.	5th July, 1842.	5th October, 1842.	5th January, 1843.			
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Armherstburg.....	.. .. .	18 0 0	.. .. .	.. .. .	18 0 0		
Bath.....	.. .. .	1 0 0	.. .. .	.. .. .	1 0 0		
Bond Head, &c.....	2 9 0	.. .. .	.. .. .	.. .. .	2 9 0		
Brockville.....	.. .. .	7 10 0	.. .. .	.. .. .	7 10 0		
Burlington.....	.. .. .	64 19 0	.. .. .	.. .. .	64 19 0		
Chatham.....	.. .. .	.. .. .	18 3 0	11 0 0	29 3 0		
Cobourg.....	.. .. .	4 13 6	10 1 0	.. .. .	14 14 6		
Goderich.....	.. .. .	0 18 0	.. .. .	.. .. .	0 18 0		
Hallowell.....	.. .. .	5 0 0	.. .. .	.. .. .	5 0 0		
Kingston.....	71 13 0	86 1 0	.. .. .	.. .. .	157 14 0		
<i>Carried over</i> .....	£ 74 2 0	188 1 6	28 4 0	11 0 0	301 7 6		

## A. 4.

## PROVINCE OF CANADA.

## STATEMENT OF REVENUE arising from the Light House, &amp;c.—Continued.

PORT WHERE COLLECTED.	QUARTER ENDED.				Total Revenue.	Expenses of Collection.	Net Revenue.
	5th April, 1842.	5th July, 1842.	5th October, 1842.	5th January, 1843.			
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Niagara <i>Brought over</i> .....	74 2 0	188 1 6	28 4 0	11 0 0	301 7 6		
Oakville.....		7 14 0	13 18 0	4 1 0	31 18 0		
Prescott.....				15 0 0	15 0 0		
Port Burwell.....		13 3 0			13 3 0		
“ Colborne, &c.....		4 5 0	0 10 0	7 10 0	12 5 0		
“ Credit.....		2 16 0	0 12 0		3 8 0		
“ Dalhousie.....		31 17 0	11 7 0		43 4 0		
“ Dover.....	4 19 0	4 15 8			9 14 8		
“ Hope.....	2 15 0		6 7 0		9 2 0		
“ Sarnia.....		5 7 0			5 7 0		
“ Stanley.....		7 0 6			7 0 6		
Toronto.....	74 6 0				74 6 0		
Windsor.....		10 18 0		2 10 0	13 8 0		
Total Currency.....£	156 2 0	275 17 8	61 19 0	63 17 0	560 15 8	.. .. .	560 15 8

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## A. 5.

## STATEMENT of Duties paid on Bank Issues during the year ended the 31st December, 1842, pursuant to the Provincial Act of Canada, 4 &amp; 5 Victoria, Chapter 29.

		Currency.
		£ d. d.
Bank of Montreal.....	to 31st October, 1842.	2467 17 1
do Quebec.....	do do	445 4 5
do Upper Canada.....	do do	1510 15 6
do British North America at Montreal.....	do do	220 15 11
do do do at Quebec.....	do do	367 9 6
do do do at Kingston.....	do do	61 11 0
do do do at Toronto.....	do do	202 14 2
Bank of the People at Toronto.....	to 31st July, 1842..	644 6 6
<i>(Since included in Bank of Montreal Return.)</i>		
Banque du Peuple at Montreal.....	to 31st October, 1842.	653 17 11
City Bank, do.....	do do	1160 2 6
Commercial Bank at Kingston.....	do do	1505 17 4
Farmers' Joint Stock Company's Bank at Toronto.....	do do	72 11 7
Gore Bank.....	do do	963 19 8
Total Currency.....£		10277 3 1

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

Appendix  
(A.)

1843.

## A. 6.

Appendix  
(A.)

1843.

STATEMENT of the amount collected by Antoine A. Parent, Agent for the Seignior of Lauzon, on account of the rents and profits of the said Seignior, in the year ended the 30th September, 1842.

	Currency.					
	£	s.	d.			
Amount collected in the year ended the 30th September, 1842.....	..	..	..	2442	12	8
<i>Less.</i>						
Amount credited in the Public Revenue for the year 1841.....	..	..	..	852	16	10
Total Currency.....	..	..	..	1589	15	10
<i>Deductions.</i>						
Commission of 10 per cent. to A. A. Parent as Agent on £2378 14s 9½d.	237	17	6			
Disbursements by the Agent for sundry Notarial Extracts.....	129	10	3			
				367	7	9
Net Revenue, Currency.....	..	..	£	1222	8	1

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

## A. 7.

ACCOUNT OF REVENUE arising from Public Works and Payments on Account of Interest on Loans to Public Works in the Province of Canada, during the year 1842, including a Balance of Arrears for 1841.

WORKS.	Arrears from 1841.			Gross Amount for 1842, including Arrears.			Deductions for Expense, Collection, Management, &c.			Net Amount Currency.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Lachine Canal.....	..	..	..	16322	3	9	7426	11	5	8895	12	4
Chambly Canal.....	..	..	..	71	10	4	..	..	..	71	10	4
Paris Bridge.....	..	..	..	143	6	5	..	..	..	143	6	5
Burlington Canal.....	..	..	..	2142	2	10	91	1	8	2051	1	2
Kettle Creek Harbour.....	..	..	..	624	11	0½	31	4	6½	593	6	6
Toronto Harbour.....	..	..	..	629	2	6	112	18	3	516	4	3
Oakville Harbour.....	..	..	..	291	5	7	201	2	8½	90	2	10½
Chatham Bridge.....	..	..	..	67	6	10	..	..	..	67	6	10
West Gwilliamsburg Road and Bridge.....	90	5	0	188	10	0	..	..	..	188	10	0
Brockville and St. Francis Road.....	205	0	0	305	0	0	..	..	..	305	0	0
Kingston and Napanee Road.....	830	0	0	1230	0	0	..	..	..	1230	0	0
Cobourg Harbour Company.....	120	0	0	120	0	0	..	..	..	120	0	0
East York Road Trust.....	500	0	0	1000	0	0	..	..	..	1000	0	0
West York Road Trust.....	..	..	..	397	14	5½	..	..	..	397	14	5½
Yonge Street Road Trust.....	..	..	..	700	0	0	..	..	..	700	0	0
Totals Currency.....£	1745	5	0	24232	13	9	7862	18	7	16369	15	2

INSPECTOR GENERAL'S OFFICE,  
Kingston 1843.

F. HINCKS,  
Inspector General.



## A. 8.

## PROVINCE OF CANADA.

STATEMENT of the Revenue arising from Fees on Militia Commissions, Exemptions from Militia Duty and Militia Fines, under the Act U. C. 2 Vict. ch. 9, during the year ending 31st December, 1843.

REGIMENT OR CORPS.	Fees on Commissions.			Exemption Money.			Fines.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
2nd Carleton.....	8	0	0	..	..	..	..	..	..	8	0	0
1st Durham.....	9	0	0	..	..	..	..	..	..	9	0	0
2nd do.....	2	0	0	..	..	..	..	..	..	2	0	0
3rd do.....	5	15	0	..	..	..	..	..	..	5	15	0
4th do.....	16	15	0	..	..	..	..	..	..	16	15	0
1st Gore.....	..	..	..	..	..	..	1	15	0	1	15	0
3rd Frontenac.....	4	0	0	..	..	..	..	..	..	4	0	0
4th Haldimand.....	..	..	..	..	..	..	1	0	0	1	0	0
1st Hastings.....	1	0	0	..	..	..	..	..	..	1	0	0
4th do.....	3	10	0	0	10	0	0	5	0	4	5	0
4th Glengary.....	1	10	0	..	..	..	..	..	..	1	10	0
3rd Incorporated.....	11	10	0	..	..	..	..	..	..	11	10	0
1st Kent.....	15	5	0	..	..	..	..	..	..	15	5	0
2nd do.....	23	10	0	15	0	0	..	..	..	38	10	0
1st Lanark.....	14	0	0	..	..	..	..	..	..	14	0	0
2nd Leeds.....	24	15	0	4	10	0	..	..	..	29	5	0
3rd Lincoln.....	..	..	..	74	4	3	3	12	3	77	16	6
5th Durham.....	10	10	0	..	..	..	..	..	..	10	10	0
2nd Middlesex.....	..	..	..	..	..	..	0	10	0	0	10	0
2nd Norfolk.....	1	10	0	..	..	..	4	0	0	5	10	0
3rd Oxford.....	3	5	0	..	..	..	..	..	..	3	5	0
5th do.....	..	..	..	3	10	0	..	..	..	3	10	0
1st Prescott.....	17	5	0	..	..	..	2	10	0	19	15	0
1st Prince Edward.....	1	10	0	..	..	..	..	..	..	1	10	0
3rd do.....	..	..	..	..	..	..	8	11	10½	8	11	10½
Rainham Independent Company.....	..	..	..	12	0	0	..	..	..	12	0	0
Lieutenant Colonel Campbell.....	..	..	..	..	..	..	3	0	0	3	0	0
Totals Currency.....£	174	10	0	109	14	3	25	4	1½	309	8	4½

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

## A. 9.

STATEMENT of Fines and Forfeitures paid the Receiver General of the Province of Canada, in the year ending the 31st December, 1842.

	Currency.			Total Currency.		
	£	s.	d.	£	s.	d.
<i>Fines.</i>						
Received from the Clerk of the Peace, District of Quebec.....	89	1	5	..	..	..
do do do do of Montreal.....	518	8	7	..	..	..
do do do do of Three Rivers.....	34	17	7½	..	..	..
do from the Sheriff of Quebec.....	26	10	0	..	..	..
do do of Montreal.....	14	10	0	..	..	..
do do Three Rivers.....	13	1	0	..	..	..
do do St. Francis.....	4	0	0	..	..	..
do from D. Kinnear, J. P. at Shefford.....	7	10	0	..	..	..
do do the Magistrates in Western Canada.....	190	3	7½	..	..	..
do do the Sheriffs in do.....	805	8	8	..	..	..
do do the Inspectors in do.....	10	0	0	..	..	..
do do the Collector of Cornwall.....	2	5	0	..	..	..
Total Fines.....	..	..	..	..	..	1715 15 11
<i>Seizures.</i>						
At the Port of St. Johns.....	200	19	9	..	..	..
do do Stanstead.....	104	14	3½	..	..	..
Carried forward.....£	305	14	0½	..	..	1715 15 11

## A. 9.

## STATEMENT of Fines and Forfeitures paid the Receiver General, &amp;c.—Continued.

	Currency.	Total Currency.
	£ s. d.	£ s. d.
<i>Brought forward</i> .....	305 14 0½	1715 15 11
<i>Seizures.</i>		
At the Port of Coteau du Lac.....	11 12 10½	
At the several Ports in Western Canada.....	1505 8 5¼	
Total Seizures.....	£	1822 15 4¾
Proceeds of the sale of Unclaimed Goods by the Clerk of the Peace for the District of Quebec.....		7 9 6
Gross Currency.....	£	3546 0 9¾
<i>Deductions from Seizures.</i>		
Sir R. D. Jackson's share of Seizures as Administrator to 5th January, 1842.....	£ 32 0 8	
His Excellency Sir Charles Bagot's share as Governor General, to 5th January, 1843.....	509 5 10	
<i>Deduction from Fines.</i>		
Remission.....	5 12 6	
Total Deductions, Sterling.....	£ 546 19 0	607 14 5
Total Net Currency.....	£	2938 6 4¾

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## A. 10.

## STATEMENT of the Casual Revenue paid the Receiver General during the year 1842, consisting of Fees on Land Patents and Instruments, under the Great and Privy Seals, copies and certificates of Land Patents, Inns, Country and Town Shops, Hawkers, Billiards and Ferry Licenses, including Fees on Exemplifications, Searches, &amp;c.

RECEIPTS.		Gross Amount.	Deductions for Commission, &c.	Net Amount.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Secretarys Department (East).</i>				
10th February, 1841 to 30th September, 1842.				
Fees on Land Patents.....	5 7 8 1			
" " Commission, &c.....	74 0 0			
" " Certificates, &c.....	21 9 0			
Compensation on Land Patents.....	416 13 8			
Fees on Land Patents to Military Pensioners.....	9 13 6			
Salaries and Commission over drawn.....	3 13 9			
Fees on 3388 Inns, Country and Town Shops, Hawkers and Billiard Licenses, at 5s.....	847 0 0			
Fees on 52 Ferry Licenses, at 15s.....	39 0 0			
" " 174 " " at 5s.....	43 10 0			
		2042 8 0	339 15 8½	1702 12 3½
<i>Secretarys Department (West).</i>				
10th February, 1841, to 31st December, 1842.				
Fees on 49 Commissions under the Great Seal.. at £5 each.....	245 0 0			
" " 2 Ferry Licenses..... at £1 12 6.....	3 5 0			
" " 86 Commissions, &c., under the Privy Seal, at £2 each.....	172 0 0			
" " 39 " to practice Physic..... at £1 ".....	39 0 0			
" " 303 Notarial and other Certificates..... at 2s. 6d.....	37 17 6	497 2 6	24 17 1½	472 5 4½
Carried over.....	£	2539 10 6	364 12 10	2174 17 8

## A. 10.

## STATEMENT of the Casual Revenue paid the Receiver General, &amp;c.—Continued.

RECEIPTS.	Gross Amount.			Deductions for Commission, &c.			Net Amount.					
	£	s.	d.	£	s.	d.	£	s.	d.			
<i>Brought over</i> .....	..	..	..	2539	10	6	364	12	10	2174	17	8
<i>Provincial Registrar's Office.</i>												
Fees on 31 Land Patents.....at 12s. 6d.	20	10	0									
" " 12 ".....at 13s. 4d.	8	0	0									
" " 2 ".....at 5s. 0d.	0	10	0									
" " 363 Copies of Patents.....at 2s. 6d.	45	7	6									
" " 189 Searches, &c.....at 1s. 3d.	11	16	3									
" " Exemplifications.....	27	0	1									
Other Trifling Fees.....	5	17	8	119	1	6	1	5	0	117	16	6
Amount paid the Receiver General by Thomas D. Harrington, being the Balance of Fees on Marriage Licenses, between 10th February, 1841, and 31st December, 1842, in the Province of Canada.....	..	..	..	161	16	10	..	..	..	161	16	10
Totals Currency.....	..	..	..	2820	8	10	365	17	10	2454	11	0

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## A. 11.

## STATEMENT of Incidental Receipts for account of the Consolidated Revenue Fund of the Province of Canada, made during the year 1842, in addition to the Ordinary Revenue.

	Currency.		
	£	s.	d.
Re-Payment of a loan by Robert Stanton of this sum advanced him on assuming the Office of Government Printer in 1826.....	100	0	0
Do. from sundry Accountants by order of the Board of Audit, London.....	4	17	9
Do. by several District Treasurers, Canada West, being the balance unexpended of sums advanced for Common Schools.....	1026	15	10 $\frac{3}{4}$
Payments by do. of Monies received by them on account of the Members Indemnity (Canada West).....	1214	16	2
Repayment of this sum advanced to the Post Office Commission from the Provincial Chest..	133	6	8
Do. of this do. from the Special Emigration Fund, 1841.....	2692	15	1
Do. of various sums by the Board of Works, 1841.....	536	17	4
Do. of this sum from the Treasurer of the Montreal Trinity Board, 1841.....	111	2	7
Total Currency.....£	5820	11	5 $\frac{3}{4}$

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## B. I.

1843.

STATEMENT of the charge for Interest on the Public Debt of the Province of Canada, for the year ending the 31st day of December, 1842.

1843.

NAME.	SERVICE.	Amount.			Total Sterling.	
		£	s.	d.		
Glynn, Mills, Halifax & Co.	For interest on £400,000 of Debentures for 12 Months to the 31st December, 1842, at 5 per cent. ....	20000	0	0	20200 0 0	
	For 1 per cent. commission on same. ....	200	0	0		
Baring Brothers & Co. . . . .	For interest on £438,850, of Debentures for 12 Months to the 31st December, 1842, at 5 per cent. ....	21942	10	0	22161 18 6	
	For 1 per cent. Commission on same. ....	219	8	6		
Glynn, Mills, Halifax & Co.	For premium of Exchange on £10,000 at 10 per cent. Do. do. do. £10,000 at 9½ per cent. ....	1000	0	0	1950 0 0	
		950	0	0		
Baring Brothers & Co. . . . .	For premium of Exchange on £20,000 at 12½ per cent. ....				2500 0 0	
Glynn, Mills, Halifax & Co.	For interest on account current to 30th June, 1842. . .	606	10	8	4450 0 0	
	For do on do to 31st December, do	668	7	4		
	For Postage in do to do do	3	0	7		
	For shipping charges and freight on first lot Silver. .	13	2	8		
	For Insurance on do do	29	11	10		
	For Shipping Charges, &c. on Silver, per Emerald. . .	6	0	3		
	For Insurance Policy Duty, &c. per do	31	13	9		
	<i>For loss on Silver Shipped, viz,</i>					
	For proceeds of first lot £4058 2 4					
	Do do of second lot 1296 8 0					
		5354	10	4		
For charged Glynn & Co. at par	6190	18	11			
	836	8	7			
Hon. J. H. Dunn. . . . .	For this sum to enable him to pay the Interest on the Upper Canada Debentures for 12 Months to the 31st December, 1842. ....				2194 15 8	
Bank of Montreal. . . . .	For Interest on £15,000 from 23d April to 17th August, 1842. ....	225	0	0	11027 11 11	
	For do on £15,000 from 21st May to 22d September, 1842. ....	305	15	0		
	For do on £15,000 from 5th August to 22d September, 1842. ....	118	7	3		
	For do on £15,000 from 3d September to 22d September, 1842. ....	46	16	10		
	For do on £20,000 from 22d October to 24th January, 1843. ....	309	0	10		
	For do on £20,000 from 11th October to 20th January, 1843. ....	351	15	9		
	For do on £20,000 from 9th November to 26th January, 1843. ....	256	8	7		
	For do on £15,000 from 23d April to the 20th August, 1842. ....	£293	8	5½		
	For less paid on account 20th August	225	0	0		
		68	8	5½		
Bank of Upper Canada. . . . .	For Interest on £20,000 from 17th July, 1840, to the 27th September, 1842. ....	2510	16	4	1681 12 8½	
	For Interest on £10,000 from 11th October to 9th January, 1843. ....	147	18	11		
	For do on £20,000 from 22d do to 9th do do. ....	259	14	6		
	For do on £10,000 do 17th November to 9th do do. . .	87	2	6½		
Commercial Bank. . . . .	For do on £21,000 do 16th April to 24th September, 1842. ....	552	6	5	662 8 11	
	For do on £10,000 do 9th November to 15th January, 1843. ....	110	2	6		
Gore Bank. . . . .	For do on £6000 do 18th September 1840, to the 27th September, 1842. ....	727	17	9½	838 0 5½	
	For do on £10,000 do 21st July to 27th September, 1842. ....	110	2	8		
City Bank, Montreal. . . . .	For do on £10,000 do 16th June to 22d do 1842. ....	82	3	9½	440 10 11	
	For do on £10,000 do 16th do 1842 to 20th January, 1843. ....	358	7	1½		
	Currency. ....				6628 5 3	
A. Gough. . . . .	For this sum arrears of Interest on Chambly Canal Loan. ....				5965 8 9	
Do. . . . .	For do 6 Months Interest on do do				360 0 0	
Do. . . . .	For do 6 do do to 1st November, 1842, do.				945 0 0	
					945 0 0	
					2250 0 0	
					£ 68249 14 10	
	Equal in Currency to. ....				£ 75833 1 0	

## B. 2.

STATEMENT of Warrants issued on the Receiver General of the Province of Canada, on account of the expenditure for services provided for in the Civil List, Schedule A, for the year 1842.

NAMES.	SERVICE.	Amount			Total			
		Sterling.			Sterling.			
		£	s.	d.	£	s.	d.	
His Excellency, Sir Charles Bagot.....	Salary as Governor General from 1st to 11th January, 1842, at £3,500 per annum.....	105	9	7				
	Do do from 12th January to 28th February, at £7,000 do.....	920	10	11				
	Do do from 1st March to 31st December, at do.....	5844	10	4				
His Excellency, Sir Richard Jackson.....	Salary as Administrator from the 1st to 7th January, 1842, at £3,500 per annum.....	67	2	5				
<i>Canada West.</i>								
J. B. Robinson.....	Salary as Chief Justice, to 31st December, 1842, at £1,500.....				1500	0	0	
James B. Macaulay.....	Do Judge, from 1st January to 31st December, 1842.....	900	0	0				
Archibald McLean.....	Do do do do.....	900	0	0				
Jonas Jones.....	Do do do do.....	900	0	0				
C. A. Hagerman.....	Do do do do.....	900	0	0				
R. S. Jamieson.....	Do Vice Chancellor, do do.....				1125	0	0	
<i>Canada East.</i>								
Sir James Stuart, Bart....	Salary as Chief Justice, from 1st January, to 31st December, 1842.....				1500	0	0	
Edward Bowen.....	Do as Judge, do do.....	900	0	0				
Philippe Panet.....	Do do do do.....	900	0	0				
Elzéar Bedard.....	Do do do do.....	900	0	0				
J. R. Vallières de St. Réal.	Do as Chief Justice, Montreal, 1st June, to 31st December, 1842, at £1100.....				641	13	1	
George Pyke.....	Do as Judge do 1st January to 31st March.....	225	0	0				
	Do do do 1st April to 20th June.....	119	14	6				
	Do do do 21st June to 28th do.....	19	15	7				
Jean R. Rolland.....	Do do do 1st January to 31st Dec. 1842.....	444	10	1				
Samuel Gale.....	Do do do do do do.....	900	0	0				
C. D. Day.....	Do do do 29th June to do do.....	454	18	10				
J. R. Vallières de St. Réal.	Five Months Salary as Resident Judge Three Rivers to 31st May, 1842.....	375	0	0				
Dominic Mondelet.....	Seven do do to 31st December, 1842.....	525	0	0				
John Fletcher.....	Salary as Provincial Judge, St. Francis, 1st January to 31st December, 1842.....				900	0	0	
John G. Thompson.....	Do do Gaspé do do do.....				500	0	0	
<i>Pensions to Judges.</i>								
James Reid.....	Late Chief Justice Montreal, 1st January, to 31st December, 1842.....	733	6	8				
Levius P. Sherwood.....	Do Judge Court of King's Bench Upper Canada, do do do Montreal, from 29th June to 31st December, 1842, at £666 13s. 4d.....	600	0	0				
George Pyke.....	Do do do do do do.....	336	19	11				
<i>Salaries of the Attornies and Solicitors General.</i>								
L. H. Lafontaine.....	Salary as Attorney General, from 16th September, to 31st December, at £1,500.....	439	14	6				
C. R. Ogden.....	Do do from 1st October, 1841 to the 15th September, 1842, at £750.....	719	3	6				
Charles D. Day.....	Nine Months Salary while performing duty to 29th June, 1842, at £375.....	281	5	0				
Wm. H. Draper.....	Salary as Attorney General West, six Months to 30th June, at £1,080.....	540	0	0				
Do.....	Do do do from 1st July to 16th September, at do.....	230	15	10				
Robert Baldwin.....	Do do do from 17th September to 31st December, at do.....	309	4	2				
C. D. Day.....	Do as Solicitor General East, from 1st January to 20th June, at £1,000.....	471	18	4				
	Do do do from 21st June to 28th June, at do.....	21	19	6				
Thos. C. Aylwin.....	Do do do from 24th September to 31st December, at do.....	271	4	7				
Henry Sherwood.....	Do do West, from 23rd July to 16th September, at £540.....	82	16	11				
<i>Carried forward</i> .....		£	847	19	4	4190	9	7
					22603	15	6	

## B. 2.

## STATEMENT of Warrants issued on the Receiver General, &amp;c.—Continued.

NAMES.	SERVICE.		Amount Sterling	Total Sterling.
	<i>Brought forward</i> .....	£ s. d. 847 19 4	£ s. d. 4190 9 7	£ s. d. 22603 15 6
	<i>Salaries of the Attornies and Solicitors General.</i>			
James E. Small.....	Salary as Solicitor General West, from 26th September to 31st December, 1842, at £540.....	143 10 1	991 9 5	
C. D. Day, Solicitor General.....	Contingencies as Acting Attorney General East, from 1st January to 20th June, 1842, at £300.....	141 11 6		
C. R. Ogden.....	Do as Attorney General, from 21st June to 15th September, 1842, at do.....	71 10 1		
L. H. Lafontaine.....	Do do from 16th September to 31st December, do at do.....	86 18 5	300 0 0	
Wm. H. Draper.....	Do do from 1st January to 16th September, 1842, at £200.....	142 14 10		
Robert Baldwin.....	Do do from 17th September to 31st December, do at do.....	57 5 2	200 0 0	
	<i>Circuits, East.</i>			
Sir James Stuart, Bart....	Allowance for Circuits.....	25 0 0		
Edward Bowen.....	Do do.....	50 0 0		
Philippe Panet.....	Do do.....	25 0 0		
Elzéar Bedard.....	Do do.....	50 0 0		
J. R. Rolland.....	Do do.....	50 0 0		
Samuel Gale.....	Do do.....	50 0 0		
J. R. Vallières de St. Réal.	Do do and Attendance Court of Appeals.....	100 0 0		
D. Mondelet.....	Do do.....	25 0 0		
Hugues Heney.....	Do for Attendance Court of Appeals.....	50 0 0	425 0 0	
	<i>Circuits, West.</i>			
J. B. Robinson.....	Allowance for Spring and Autumn Circuits.....	157 10 0		
J. B. Macaulay.....	Do do do do.....	180 0 0		
Archibald McLean.....	Do do do do.....	180 0 0		
Jonas Jones.....	Do do do do.....	90 0 0		
C. A. Hagerman.....	Do do do do.....	135 0 0	742 10 0	
	<i>Expenses of Criminal Prosecutions, East, &amp;c.</i>			
Alexr. Buchanan, Queen's Counsel.....	Amount of his account for Legal Services between February and September, 1842.....	718 2 6		
Andrew W. Cochrane, do.....	Do do do March and September, do.....	165 11 4		
Pierre Vezina, do.....	Do do do January and March, do.....	27 18 0		
Duncan Fisher, do.....	Do do do do and September, do.....	35 2 0		
Hon. F. W. Primrose, do.....	Do do do do do do.....	36 0 0	982 13 10	
	<i>Expenses of Criminal Prosecutions, &amp;c. West.</i>			
J. S. Cartwright, Queen's Counsel.....	For Services Spring Circuit at the Victoria, Prince Edward, Midland and Johnstown Districts in 1842.....	196 13 0		
George M. Boswell, do.....	Do do do Eastern District, Autumn do. Colborne and Newcastle Districts.....	176 8 0		
John Prince, do.....	Do do do at Wellington, Huron and Western, and Autumn at London, Huron and Wellington Districts.....	288 0 0		
Wm. H. Draper, do.....	Do do do at the Eastern and Midland Districts..	183 3 0		
Henry Sherwood, do.....	Do do Autumn Circuit at Brock, Talbot and Gore Districts.....	123 6 0		
H. J. Boulton, do.....	Do Services Autumn do Victoria and Niagara Districts.....	160 4 0	1127 14 0	
	<i>Court of Vice Admiralty, East.</i>			
Henry Black.....	Twelve Months Salary as Judge to 31st December, 1842.....	200 0 0		
J. P. Bradley.....	Do do Registrar do do.....	150 0 0		
J. B. Parkyn.....	Do do Marshall do do.....	75 0 0	425 0 0	
	<i>Salary, Allowances and Contingencies Sheriff's, East.</i>			
Wm. S. Sewell, Quebec..	Twelve Months Salary as Sheriff to 31st December, 1842.....	100 0 0		
	Do do Allowance for a Public Executioner..	27 0 0		
	Do do Amount of Contingencies to 31st December, 1842.....	2368 4 7		
Boston & Coffin, Montreal.	Do do Salary as Sheriff to 31st December, 1842.....	100 0 0		
	Do do Allowance for Public Executioner do.	27 0 0		
	Do do Amount of Contingencies do.....	3287 13 6		
	<i>Carried over</i> .....	5909 18 1	9384 16 10	22603 15 6

## B. 2.

## STATEMENT of Warrants issued on the Receiver General, &amp;c.—Continued.

NAMES.	SERVICE.	Amount			Total		
		Sterling.			Sterling.		
		£	s.	d.	£	s.	d.
	<i>Brought over</i> .....	5909	18	1	9384	16	10
	<i>Salary, Allowances and Contingencies Sheriffs, East.</i>				22603	15	6
Isaac G. Ogden, Three Rivers.....	Twelve Months Salary as Sheriff to 31st December 1842.....	75	0	0			
	Do do Allowance for Public Executioner do.....	27	0	0			
	Do do Amount of Contingencies.....	868	5	10			
Charles Whiteher, St. Francis.....	Do do Salary as Sheriff to 31st December, 1842.....	50	0	0			
	Do do Amount of Contingencies do.....	274	5	2			
Martin Sheppard, Gaspé.....	Do do Salary as Sheriff do.....	70	0	0			
	Do do Allowance for Travelling Expenses do.....	10	0	0			
	Do do Amount of Contingencies do.....	319	4	4			
					7603	13	5
	<i>Coroners, East.</i>						
B. A. Panet, Quebec.....	For Twelve Months Salary as Coroner to 31st December, 1842.....	100	0	0			
	Do do Fees and Disbursements.....	389	13	10			
J. Jones, Montreal.....	Do do Salary as Coroner to 31st December, 1842.....	100	0	0			
	Do Six Months Fees and Disbursements to 30th June, do.....	170	5	11			
Valière Guillet, Three Rivers.....	Do Twelve Months Salary as Coroner to 31st December, do.....	50	0	0			
	Do do Fees and Disbursements to 31st December, do.....	173	9	10			
Representatives of the late Robert Sherar, Gaspé.....	Do Salary as Coroner from 1st April to 16th May, 1841, at £50 Sterling per annum.....	6	6	0			
R. W. Fitton, Gaspé.....	Do Twelve Months Salary as Coroner to 31st December, 1842.....	25	0	0			
	Do do Fees and Disbursements do.....	11	16	5			
William Tilly, Bonaventure.....	Do do Salary as Coroner to do.....	25	0	0			
	Do do Fees and Disbursements do.....	4	8	2			
C. A. G. De Tonnancour, St. Francis.....	Do do Salary as Coroner do.....	45	0	0			
	Do do Fees and Disbursements do.....	21	1	3			
					1122	1	5
	<i>Clerks of the Crown, East.</i>						
Representatives of T. Wil- lan, Quebec.....	From 1st January, Salary as Clerk Crown to 5th March, 1842.....	17	10	8			
James Green, Quebec.....	Do 10th March to 31st December, 1842, at £40 per annum.....	32	8	2			
Do do.....	For Six Months Fees and Allowances to 30th June, 1842.....	50	14	1			
Do do.....	Do do Admiralty Court do.....	10	8	8			
Representatives of T. Wil- lan, Quebec.....	Do Fees and Allowances to 31st March, 1842.....	7	16	11			
A. M. De Lisle, Montreal.....	Do Twelve Months Salary as Clerk of the Crown do.....	40	0	0			
	Do do Fees and Allowances to do.....	170	12	10			
W. C. H. Coffin, Three Rivers.....	Do do Salary as Clerk of Crown do.....	20	0	0			
	Do do Fees and Allowances do.....	22	16	9			
					372	8	1
	<i>Court of Appeals, East.</i>						
Edward Desbarats.....	Salary as Clerk from 1st January to 18th July, 1842, at £120.....	65	17	5			
A. S. Scott.....	Do do do 19th July to 31st Decem- ber, do.....	54	2	7			
Do.....	Allowance for Stationery from do to 30th September.....	1	4	4			
Edward Desbarats.....	Do from 1st January to 18th July, 1842 at £6 per annum.....	4	15	8			
Frederick Memce.....	Salary as Usher to the Court Twelve Months to 31st December.....	27	0	0			
					153	0	0
	<i>Interpreters, East.</i>						
Simeon Lelièvre.....	Twelve Months Salary as Interpreter to the Courts at Quebec, to 31st December, 1842.....	40	0	0			
Richard Dillon.....	Do do do Montreal do.....	40	0	0			
J. C. Fearon.....	Do do do Three Rivers do.....	25	0	0			
					105	0	0
	<i>High Constables, East.</i>						
William Downes.....	For twelve Months Salary as High Constable, to 31st December, 1842, Quebec.....	36	0	0			
Do.....	Do Amount of his Account for service of Subpœnas.....	259	5	1			
Benjamin DeLisle.....	Do twelve Months Salary as High Constable, to 31st December, 1842, Montreal.....	36	0	0			
	<i>Carried forward</i> .....	331	5	1	18740	19	9
					22603	15	6





## STATEMENT of Warrants issued on the Receiver General, &amp;c.—Continued.

NAMES.	SERVICE.	Amount			Total			
		Sterling.			Sterling.			
		£	s.	d.	£	s.	d.	
	<i>Brought over</i> .....	204	12	7	23126	18	3	
	<i>Clerks of Assize, West.</i>				22603	15	6	
John Stuart.....	For Amount for Autumn Circuit, Colborn and Newcastle.....	21	3	0				
David John Hughes.....	Do do for Spring do Talbot District.....	6	8	9				
John Joseph.....	Do do for do do Victoria, Prince Edward, Johnstown and Midland Districts.....	38	1	8				
Do.....	Do do do Autumn do Prince Edward, Johnstown and Midland Districts.....	41	6	3				
William B. Jarvis, Sheriff.....	Home District for Attendance Court of Queen's Bench.....	27	6	0				
William A. Geddes.....	For service Spring Circuit at Newcastle and Colborne.....	8	11	0				
Wm. A. Hervey.....	Do do Autumn do Eastern Bathurst, Dalhousie and Ottawa Districts.....	23	19	1				
	<i>Miscellaneous Items.</i>				371	8	4	
Thomas Phipps.....	For Twelve Months Salary as Usher Court Queen's Bench Toronto, 31st December.....	18	0	0				
James Bridgeland.....	Do do do Keeper do do.....	18	0	0				
C. D. Day, Solicitor General.....	Do Service Subpoenas, Montreal.....	90	0	0				
C. E. Shiller.....	Do do of Witnesses, Montreal Term, 1842.....	13	10	0				
Do.....	Do Balance Service of Subpoenas March, do.....	7	13	5				
A. Buchanan.....	Do Service of Subpoenas, September, do.....	90	0	0				
C. E. Shiller.....	Do do do do.....	13	10	0				
A. Ross.....	Do Twelve Months Salary as Messenger Court of Chancery.....	50	0	0				
Edward Desbarats.....	Do certain Fees as Clerk of the Court of Appeals.....	12	8	1				
C. C. Small, Clerk of the Crown and Pleas.....	Do Expense of his Office for 1840.....	103	5	0				
	Do do do Twelve Months to 31st December, 1842.....	164	11	4				
F. T. Billings, Treasurer Home District.....	Do Subsistence of two Prisoners in Toronto Gaol from 1st April to 13th October, 1840.....	5	10	3				
Leeker Brough.....	Do Apprehending an Indian.....	22	10	0				
J. G. Spragge.....	Do Fitting up Court as Master in Chancery.....	11	7	1				
Edward Kent.....	Do to pay Rent for Court of Chancery.....	25	4	0				
Thomas D. Harrington.....	Do to do do do.....	18	0	0				
R. Jameson.....	Do to pay Expense removing do.....	43	10	7				
René Piuze.....	Do Costs of a Suit as Magistrate.....	12	9	6				
Henry Sherwood, Solicitor General.....	Do proceeding to Niagara to investigate Canal Riot.....	6	15	0				
James Hallowell.....	Do Expense of a Suit instituted against Thomas Austin, Justice of the Peace.....	30	3	5				
Wm. Power late Registrar Admiralty Court.....	Do Allowance for Stationery for the years 1837, 1838, 1839, 1840 & 1841 at £2 10s.....	12	10	0				
Laurent Gerard, Clerk.....	Do Expenses of Court of Requests Gentilly in 1841.....	15	15	0				
L. A. Saint George, do.....	Do do do do Cap Santé in do.....	7	17	6				
James Bethune, do.....	Do do do do West Shefford.....	13	4	8				
John Platt, do.....	Do do do do Chateauguay.....	20	4	5				
W. C. H. Coffin, Prothotary Three Rivers.....	Do Furnishing Judges Chambers Court House.....	45	0	0				
Thomas G. Hurd.....	Do Expenses attending Court of Appeals, Toronto.....	11	12	0				
					882	11	3	
					24380	17	10	
	Proportion of Civil List for Schedule A.....	45000	0	0	£	46984	13	4
	<i>Less.</i> —The following Amounts not paid and carried to the credit of the Consolidated Revenue Fund							
	Saving on Salary of Governor General.....	62	6	9				
	Salary of Lieutenant Governor.....	1000	0	0				
	Saving on Chief Justice, Montreal.....	458	6	8				
	Do Puisne Judge.....	0	11	1				
		1521	4	6				
	Excess on Contingent Expenses, Administration of Justice to be provided.....				43478	15	6	
					3505	17	10	
					46984	13	4	
					<i>Sterling.</i>	<i>Currency.</i>		
	Charge against Consolidated Revenue Fund for Schedule A.....	£	45000	0	0	50000	0	0

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

**B. 3.**

1843.

**STATEMENT of Warrants issued on the Receiver General of the Province of Canada, on account of the Expenditure for Services provided for in the Civil List, Schedule B. for the year 1842.**

1843.

NAMES.	SERVICE.	Amount			Total			
		Sterling.			Sterling.			
		£	s.	d.	£	s.	d.	
<i>Chief Secretary's Office.</i>								
Thos. W. C. Murdoch.....	For Salary as Chief Secretary from 1st January to 4th August, 1842, at £1620.....	964	1	6				
R. W. Rawson.....	Do do do 5th August to 31st December, do..	655	18	6				
Henry Cotton.....	Do do do 1st January, do do 1st Clerk	..	..	..	1620	0	0	
W. R. Bartlett.....	Do do do do do do 2d do	..	..	..	250	0	0	
Michael Turner.....	Do do do 26th October, do do at £157 10	..	..	..	200	0	0	
Philip St. Hill.....	as 3d do.....	..	..	..	28	18	2	
John McClaskey.....	Do do as Office Keeper to do do	..	..	..	75	0	0	
Wm. F. Coffin.....	Do do as Messenger do do	..	..	..	50	0	0	
Wm. Ermatinger.....	Clerk, Secretary East, 1st January to 15th February, at £300.....	37	16	2				
Capt. H. Bagot.....	Do do 16th February to 31st December..	261	3	3	298	19	5	
	Private Secretary to Governor General do do..	..	..	..	324	0	0	
<i>Provincial Secretary's Office, West.</i>								
S. B. Harrison.....	Twelve Months Salary as Provincial Secretary to 31st December, 1842.....	1000	0	0				
James Hopkirk.....	Do do do as Assistant Secretary do..	400	0	0				
Thos. D. Harrington.....	Do do do as Chief Clerk do..	270	0	0				
Grant Powell.....	Do do do as 2d do do..	200	0	0				
E. W. Hurd.....	Do do do as 3d do do..	157	10	0				
E. Kent.....	Do do do as 4th do do..	157	10	0				
H. E. Steele.....	Three do do to 31st March, 1842, at £100.	143	2	6				
J. Webb.....	Nine do do to 31st December, 1842, at £157 10s.....	50	0	0				
P. Carberry.....	Twelve Months do as Messenger do..	38	19	5	2417	1	11	
	From 21st March to 31st December as Assistant Messenger at £50.....	..	..	..				
<i>Provincial Secretary's Office, East.</i>								
Dominick Daly.....	Salary as Provincial Secretary to 31st December, 1842.....	1000	0	0				
Christ. Dunkin.....	Do do Assistant do do do	400	0	0				
William Lane.....	Do do Engrossing Clerk do do	200	0	0				
Thomas Ross.....	Do from 1st to 27th January, 1842, at £157 10s.....	196	3	4				
Henry Jarmy.....	Do do 2d do from 28th January to do at £200.....	145	6	2				
Henry Jones.....	Do do Extra Clerk from 9th June to 30th September at £100.....	70	8	0				
Do.....	Do do do from 1st October to 31st December at £157 10s.....	75	0	0				
John Go w.....	Do do Office Keeper do do	50	0	0				
Wm. Bo uthillier.....	Do from 1st January to 31st March, in charge Records, Quebec.....	50	0	0				
John Twanley.....	Do as Messenger to 31st December, 1842.....	50	0	0	2186	17	6	
<i>Registrar's Office.</i>								
R. A. Tucker.....	For Salary as Registrar to 31st December, 1842....	600	0	0				
William Kent.....	Do do from 1st January to 30th September at £175 as Clerk.....	131	5	0				
Do.....	Do do do 9th May to 30th September, at £25 do.....	9	18	7				
Do.....	Do do from 1st October to 31st December at £200 do.....	50	0	0				
George H. Lane.....	Do do as Clerk to 31st December, 1842.....	175	0	0				
John Cooper.....	Do do as Messenger do do	50	0	0	1016	3	7	
<i>Contingencies.</i>								
Thos. D. Harrington.....	On Account of the Contingencies of the Secretary's Department for the year ended 31st December, 1842.....	4199	13	2				
Christ. Dunkin, Assistant Secretary East.....	Do do do do do do..	315	0	0	4514	13	2	
<i>Receiver General's Office.</i>								
John H. Dunn.....	For Salary as Receiver General to 31st December, 1842.....	1200	0	0				
<i>Carried over.....</i>								
		£	1200	0	0	12981	13	9

## B. 3.

## STATEMENT of Warrants issued on the Receiver General, &amp;c.—Continued.

NAMES.	SERVICE.	Amount			Total		
		Sterling.			Sterling		
		£	s.	d.	£	s.	d.
	<i>Brought over</i> .....	1200	0	0	12981	13	9
	<i>Receiver General's Office.</i>						
Benjamin Turquand.....	For Salary as 1st Clerk to 31st December, 1842.....	400	0	0			
Thomas A. Cary.....	Do do as 2d do do do do .....	180	0	0			
George Hamilton.....	Do do as 3d do do do do .....	157	10	0			
					1937	10	0
	<i>Inspector General's Office.</i>						
John Macaulay.....	Salary as Inspector General Canada West, from 1st May to 8th June, 1842, at £565 per annum.....	248	7	0			
Francis Hincks.....	For Salary as Inspector General from 9th June to 31st December, at £1000.....	560	8	9			
Joseph Cary.....	Do do as Deputy Inspector do 6 Months at £500 and 6 Months at £600 per annum.....	550	0	0			
Do.....	Do Six Months Allowance for Messenger.....	32	10	0			
Philip Durnford.....	Salary as 1st Clerk to 31st December, 1842.....	270	0	0			
David A. Ross.....	Do do do from 1st January to 30th June at £150.....	75	0	0			
Do.....	Do do do from 1st July to 31st December at £225.....	112	10	0			
Do.....	Difference between £150 and £225 per annum, from 10th February, 1841 to 30th June, 1842.....	103	19	5			
Frederick Ferguson.....	Salary as Book Keeper from 1st August to 31st December, 1842, at £200.....	83	6	8			
M. Jack.....	Do as Clerk from 1st January to 31st December..	100	0	0			
Hugh Macgregor.....	Do do do do do do .....	153	0	0			
Patrick Gaul.....	Do as Messenger 6 Months do .....	25	0	0			
					2314	1	10
	<i>Executive Council.</i>						
R. B. Sullivan.....	Salary as President of Committees to 31st Decem- 1842.....	1000	0	0			
Do.....	Do as Member of Council do do .....	100	0	0			
John H. Dunn.....	Do do do do do do .....	100	0	0			
S. B. Harrison.....	Do do do do do do .....	100	0	0			
Wm. H. Draper.....	Do do do from 1st January to 16th Septem- ber, do.....	71	7	4			
C. D. Day.....	Do do do do to 30th June, do.....	49	7	9			
C. R. Ogden.....	Do do do from 12th October, 1841 to 15th September, 1842, at £50.....	47	18	10			
H. H. Killaly.....	Do do do from 1st January to 31st Decem- ber, 1842, at £100.....	100	0	0			
Francis Hincks.....	Do do do from 9th June to do .....	56	0	6			
Henry Sherwood.....	Do do do from 20th July to 16th Septem- ber, do .....	15	6	10			
Domnick Daly.....	Do do do from 1st January to 31st Decem- ber, do.....	100	0	0			
L. H. Lafontaine.....	Do do do from 16th September to do.....	29	6	3			
Robert Baldwin.....	Do do do from 17th do to do .....	23	12	8			
Thomas C. Aylwin.....	Do do do from 24th do to do .....	27	2	5			
James E. Small.....	Do do do from 26th do to do .....	26	11	6			
A. N. Morin.....	Do do do from 13th October to do.....	21	18	4			
Etienne Parent.....	Do as Clerk from 13th October to do at £400.....	86	11	6			
W. H. Lee.....	Do as second do from 1st January to 13th Octo- ber, at £370; and from 13th October to 31st Decem- ber, at £270.....	348	11	2			
Thomas G. Hurd.....	For Salary as third Clerk to do .....	200	0	0			
S. B. Smith.....	Do fourth do to do .....	180	0	0			
Michael Naughton.....	Do Messenger to do .....	50	0	0			
H. Jones.....	Do Doorkeeper from 1st January to 31st March, at £50.....	12	10	0			
D. Ryan.....	Do do from 1st May to 31st December, at do.....	33	6	8			
					2784	11	0
	<i>Board of Works.</i>						
H. H. Killaly.....	For Salary as Chairman of Board of Works to 31st December.....	800	0	0			
Samuel Keefer.....	Do as Assistant Engineer do.....	500	0	0			
Thomas A. Begley.....	Do as Secretary and Bookkeeper do.....	400	0	0			
John H. Connolly.....	Do as Clerk do.....	135	0	0			
James Gilleland.....	Do as Messenger for Three Months.....	12	10	0			
E. Bostwick.....	Do as do for do do .....	12	10	0			
Andrew Humble.....	Do as do for six do .....	25	0	0			
					1885	0	0
	<i>Emigrant Agent.</i>						
A. C. Buchanan.....	For Salary as Emigrant Agent to 31st December, 1842.....				400	0	0
	<i>Carried forward</i> .....				£22302	17	4

## STATEMENT of Warrants issued on the Receiver General, &amp;c.—Continued.

NAMES.	SERVICE.	Amount			Total		
		Sterling.			Sterling.		
		£	s.	d.	£	s.	d.
	<i>Brought forward</i> .....				22302	17	4
	<i>Pensions.</i>						
Mrs. Baby.....	For Twelve Months Pension from 1st January to 31st December, 1842.....				150	0	0
Mrs. Mary Elmsley.....	For Six Months Pension from 1st January to 30th June, 1842.....				100	0	0
Mrs. Rollot.....	Do Twelve Months Pension from 1st January, to 31st December, 1842.....				36	0	0
Miss Finlay.....	Do do do do.....				20	0	0
" Desbarats.....	Do do do do.....				18	0	0
" L. Montizambert.....	Do do do do.....				10	0	0
" M. A. Montizambert.....	Do do do do.....				10	0	0
" G. Launier.....	Do do do do.....				10	0	0
" M. Launier.....	Do do do do.....				10	0	0
" E. Launier.....	Do do do do.....				10	0	0
Thomas Amyot.....	Do do do do.....				400	0	0
Miss A. De Salabery.....	Do do do do.....				50	0	0
" Jane Livingston.....	Do do do do.....				50	0	0
Andrew Cochran.....	Do do do do.....				200	0	0
G. H. Ryland.....	Do do do do.....				45	0	0
Revd. R. R. Burrage.....	Do do do do.....				100	0	0
Jasper Brewer.....	Do do do do.....				100	0	0
F. Vassal De Monviel.....	Do do do do.....				337	10	0
Mrs. Widow Caron.....	Do do do do.....				75	0	0
Lucy Rolotte.....	Do do do do.....				75	0	0
Adelaide Bouchette.....	Do do do to 30th September.....	75	0	0			
Do	Do Three do to 31st December.....	18	15	0			
					93	15	0
Nathaniel Coffin.....	Do Twelve do do.....				270	0	0
Mrs. H. McNab.....	Do do do do.....				45	0	0
Mrs. F. A. Moodie.....	Do do do do.....				90	0	0
Mrs. Eliza Lawe.....	Do do do do.....				18	0	0
James Carroll.....	Do do do do.....				18	0	0
Mrs. Sarah Usher.....	Do do do do.....				90	0	0
Samuel McCormick.....	Do do do do.....				90	0	0
John McMillan.....	Do do do do.....				18	0	0
Peter Miller.....	Do do do do.....				18	0	0
Lewis Bright.....	Do Nine do to 30th September.....				56	5	0
Margaret Bright.....	Do Three do to 31st December.....				45	0	0
Mrs. Maria Church.....	Do Twelve do do.....				18	0	0
" Randall.....	Do do do do.....				18	0	0
" S. Kerry.....	Do do do do.....				18	0	0
" C. McLeod.....	Do do do do.....				18	0	0
Edward McMahon.....	Do do do do.....				210	0	0
Thomas Talbot.....	Do do do do.....				400	0	0
W. M. Chewett.....	Do do do do.....				360	0	0
Samuel Ridout.....	Do do Allowance as late Agent Land granting Department, to 31st December, 1842.....				200	0	0
Sophia Shaw.....	Do do Pension to family late Major General Shaw.....				100	0	0
Thomas Merritt.....	Do Commutation in lieu of Fees as an Officer in the Land granting Department from 1st January to 12th May, 1842, at £47.....				16	19	11
Lieut. Daniel McDougall.....	Do do do to 31st December, 1842.....				75	12	0
William Cloughley.....	Do retiring Allowance as Office Keeper to do.....				25	0	0
James Nation.....	Do Pension to 31st December, 1842.....				112	10	0
Oneida Joseph.....	Do do do do.....				15	0	0
F. W. Antrobus.....	Do do late Grand Voyeur do Quebec.....				350	0	0
P. L. Panet.....	Do do do do Montreal.....				200	0	0
Farquhar McRae.....	For Fifteen Months Pension from 1st October, 1841 to 31st December, 1842, at £31 10.....				39	7	6
Thomas D. Harrington.....	To enable him to pay Gratuity to R. Grasset.....				50	0	0
	<i>Contingencies Public Offices.</i>						
Joseph Cary.....	To pay his Expenses on Public Business to Quebec, St. Johns and back, from 19th May to 5th June, 1842.....				14	8	0
Thos. A. Begley, Secretary B. W.....	For Contingent Expenses of the Public Offices for Six Months to 31st December, 1842.....				725	18	10
A. C. Buchanan, Chief Emigrant Agent, Que- bec.....	Do Six Months Contingencies to 30th June, 1842.....	138	10	0			
	Do do do to 31st December, do.....	138	10	0			
					277	0	0
William Lane.....	For Fuel for Public Buildings at Quebec.....				50	0	0
Dominick Daly.....	Do Four Months Rent to 30th April, 1842.....				37	10	0
Andrew Hawkins.....	Do Twelve Months Salary Messenger, E Wing Public Buildings, Toronto.....				67	10	0
	<i>Carried over</i> .....				1172	6	10
					27169	16	9

**B. 3.**

## STATEMENT of Warrants issued on the Receiver General, &amp;c.—Continued.

NAMES.	SERVICE.	Amount			Total		
		Sterling.			Sterling.		
		£	s.	d.	£	s.	d.
	<i>Brought over</i> .....	1172	6	10	27169	16	9
	<i>Contingencies Public Offices.</i>						
David Luck.....	For Twelve Months Salary, Keeper, Government Office, Montreal.....	58	10	0			
George Cross.....	Do do do do Quebec.....	58	10	0			
J. H. Dunn, Receiver General.....	Do Twelve Months Contingencies to 31st December, 1842.....	321	7	0			
Etienne Parent, Clerk Council.....	Do do do do.....	100	6	9			
Wm. Lee, Acting Clerk do	Do Six do do to 30th June, do.....	89	11	7			
Do	Do Three Months do to 30th September, do.....	28	2	6			
					218	0	10
John Macaulay, Inspector General.....	Do Six Months Contingencies to 30th June, do.....	95	12	0			
Francis Hincks.....	Do do do to 31st December, do.....	471	11	10			
					567	3	10
							2395 18 6
	Balance of Schedule B. unappropriated (See Balance Sheet).....				£	29565	15 3
						434	4 9
					Sterling. £	30000	0 0
	Being equal in Currency to.....				£	33333	6 8

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.**B. 4.**

## STATEMENT of Payments shewing the Expenditure for Services provided for by Acts and Ordinances of the late Province of Lower Canada, for the year ending 31st December, 1842.

Enactments.	NAMES.	SERVICE.	Amount			Total		
			Sterling.			Sterling.		
			£	s.	d.	£	s.	d.
36 G. 3. c. 9	Francis Austin.	For Assessment on Public Buildings and Lots in the City of Quebec, for 1842.....	291	0	9			
	Arthur Ross.....	For do do do for Montreal, do.....	323	10	1			
						614	10	10
55 G. 3. c. 10.	B. C. A. Gagy.....	For Payment of Pensions to Wounded Militiamen.				364	10	0
5 G. 4. c. 33 & 6 V. c. 1.	Thomas Burns.....	For Fees and Disbursements as Returning Officer for the Town of Three Rivers, in 1842.....	9	15	4			
	Bazil Lupien.....	For do do County of Nicolet, do.....	19	14	2			
	D. DeHertel.....	Do do do do Two Mountains, do.....	29	1	0			
	C. E. Gagnon.....	Do do do do Saint Maurice, do.....	32	12	6			
	H. W. Hitchcock.....	Do do do do Rouville, do.....	29	7	8			
	L. Launier.....	Do do do do Bellechasse, do.....	22	11	10			
	J. F. Laylor.....	Do do do do Ottawa, do.....	33	11	4			
	P. Mount.....	Do do do do Leinster.....	35	11	9			
	Paul Biguè.....	Do do do do Portneuf, do.....	14	17	11			
	Wm. Brown.....	Do do do do Beauharnois, do.....	71	2	11			
	J. B. Duberger.....	Do do do do Saguenay, do.....	19	3	0			
						317	9	5
6 G. 4. c. 8.	Perrault & Burroughs.....	Allowance for preparing Abstracts of Baptisms, Marriages and Burials in the District of Quebec, for the year 1841.....	£	26	2	0		
		Do do do do 1842.....	26	2	0			
			52	4	0			
		<i>Carried forward</i> .....	£	52	4	0	1296	10 3

## B. 4.

## STATEMENT of Payments shewing the Expenditure for Services, &amp;c.—Continued.

Enactments.	NAMES.	SERVICE.	Amount.	Total Sterling.
		<i>Brought forward</i> .....	£ s. d. 52 4 0	£ s. d. 1296 10 3
6 G. 4 c. 8.....	W. C. H. Coffin...	Allowance for preparing Abstracts of Baptisms, Marriages and Burials in the District of Three Rivers, for the year 1841.....£11 9 6		
		Do do do do do 1842.....£11 14 0		
	Monk & Morrogh..	Do do do do Montreal, 1841.....	23 3 6	
	Beebe & Wilkie...	Do do do do Gaspé, 1841.....	41 3 6	
			5 8 0	121 19 0
1 W. 4. c. 16.....	Rev'd. Jos. Signay..	Allowance for Ground Rent of the Bishop's Palace at Quebec, for 1842.....	.. . . .	1000 0 0
3 Vic. c. 15.....	F. R. Angers.....	Allowance for the Distribution of the Acts of the last Session.....	.. . . .	135 0 0
1 W. 4. c. 6 & 3 } V. c. 15..... }	Hon. J. H. Dunn...	Being the Reward granted for the Destruction of Wolves for 1842.....	.. . . .	150 15 0
		<i>Agricultural Societies.</i>		
4 W. 4. c. 7 & 3 } V. c. 15..... }	John Ployart.....	Being the Amount Payable to him as President of the Agricultural Society for the County of Drummond, for the year 1842.....	72 0 0	
	John McPhee.....	Do do do County of Two Mountains, do..	72 0 0	
	J. Somerville.....	Do do do County of Beauharnais, do..	72 0 0	
	E. W. Douglass...	Do do do County of Huntingdon do..	62 4 3	
				278 4 3
3 Vic. c. 16.....	Valère Guillet.....	Being on Account of Expenses of House of Correction at Three Rivers, for Three Months to 31st December, 1842.....	.. . . .	22 10 0
6 W. 4. c. 12.....	Jacques Viger.....	Being Amount paid to him as Treasurer of the Montreal Normal School for Salaries.....	.. . . .	90 0 0
3 Vic. c. 22.....	T. C. Tachereau...	For continuing the Improvements to the Post Road by the Kennebec in the State Maine.....	.. . . .	180 0 0
4 & 5 Vic. c. 20 } & 6 Vic. c. 10.. }	D. Mondelet.....	Salary as Commissioner of the Inferior Term of the Court of King's Bench for the District of Montreal, in the year 1842.....	.. . . .	654 4 11
4 Vic. c. 9.....	L. O. Gamache....	Salary for Nine Months as keeper of the Depot of Provisions for the relief of Shipwrecked Persons, to the 31st December, 1841.....	33 15 0	
	H. S. Huot.....	Expenses of Packing and removing the Books and Furniture of the Normal School Committee to the House of Assembly.....	14 14 9	
	Wm. Badgley.....	President of the Natural Historical Society of Montreal, being aid for 1841.....	45 0 0	
	Benjamin Holmes..	For a Survey of the best line for a Canal or Rail Road to connect the Bay of Fundy with the Gulph of Saint Lawrence.....	500 0 0	
				593 9 9
2 W. 4. c. 39.....	Perrault and Burroughs.....	For Repairs to the Court House, Quebec.....	22 10 0	
	T. A. Begley.....	Do do do do do do.....	24 13 2	
				47 3 2
2 Vic. c. 53.....	Wm. Atkinson and others.....	Being Balance of Appropriation for defraying the Expense of Building a Bridge over the River Cap Rouge.....	.. . . .	333 2 3
4 Vic. c. 29.....	Thomas A. Stayner	For the effectual Improvement of Internal Communications between the Province of Canada and New Brunswick.....	.. . . .	2250 0 0
3 Vic. c. 31 & 4 } Vic. c. 7..... }	Benjamin Holmes } Chairman }	Of the trustees of the Montreal Turnpike Trust, being for Interest to 5th January, 1843.....	.. . . .	1503 0 0
4 Vic. c. 17.....	John Porter, Secy..	To the Trustees of the Quebec Turnpike Road, being for Interest to 31st December, 1842.....	.. . . .	1041 6 10
4 Vic. c. 16.....	John Glen, Manager of the.....	Longueuil and Chambly Road Trust Interest, 1842.....	.. . . .	885 17 6
3 & 4 Vic. c. 9 & 22	T. A. Begley, Secretary Board of Works.....	For this sum being Amount Expended by the Board on the Saint Ann's Rapids.....	.. . . .	6084 8 1
3 Vic. c. 22.....	Do do	For this Amount Expended by the Board in the construction of a Bridge over the River DeLisle.....	.. . . .	259 1 9
			£	16926 12 9
		Equal to in Currency.....	£	18807 7 6

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## B. 5.

STATEMENT of Payments on Account of the Expenditure for Services provided for by Acts of the late Province of Upper Canada, for the year ending 31st December, 1842.

Enactments.	NAMES.	SERVICE.	Amount.	Total Sterling.
			£ s. d.	£ s. d.
<i>Adjutant General of Militia.</i>				
2 Vic. c. 69.....	Richard Bullock...	Twelve Months Salary as Adjutant General of Militia, from 1st January to 31st December, 1842. ....	510 0 0	
4 G. 1. c. 6 & } 3 Vict. c. 71... }	Do	Twelve Months Allowance in lieu of Contingencies for his Department.....	76 10 0	
4 G. 4. c. 27.....	Walter O'Hara....	Twelve Months Salary as Assistant Adjutant General, to 31st December, 1842.....	180 0 0	
7 W. 4. c. 96.....	Hon. F. Hincks....	This Sum being for the maintenance of Light Houses, for the year 1842.....		796 10 0
<i>District Schools.</i>				
47 G. 3 & various Acts.....	William Kay.....	Twelve Months Salary as Master of the Bathurst District School, for the year 1842.....	90 0 0	
	Rev. M. H. Williamson.....	Do do to 31st December, 1842, Colborne District.....	90 0 0	
	C. B. Turner.....	Six Months do to 30th June, 1842, Eastern do.....	45 0 0	
	John Rae.....	Twelve do do to 31st December, 1842, Gore do...	90 0 0	
	M. C. Crombie.....	Do do do do do Home do...	90 0 0	
	Rev. R. Campbell..	Salary as do to 6th July, do Huron do..	33 0 9	
	Alex. McKenzie....	Do do do to 31st December, do do do..	43 17 9	
	A. Scott.....	Twelve Months do do Johnstown do	90 0 0	
	Benjamin Bayley..	Do do do do do London do	90 0 0	
	S. Lightburne....	Do do do do do Midland do	90 0 0	
	Robert Hudspeth..	Do do do do do Newcastle do	90 0 0	
	Jno. Whitclaw, M.D.	Do do do do do Niagara do	90 0 0	
	John Gregor.....	Do do do do do Ottawa do	90 0 0	
	Wm. Cockrell.....	Do do do do do Prince Edward do	90 0 0	
	Rev. Geo. Salmon..	Do do do do do Talbot do	90 0 0	
	Alexander Burdon..	Do do do do do Victoria do	90 0 0	
	A. P. Salter.....	Do do do do do Western do	90 0 0	
	Arthur Veron.....	Do do do do do Wellington do	90 0 0	
4 G. 1 c. 8.....	Robert Stanton....	For Printing School Books in the usual Districts of Canada West.....		1471 18 6
<i>Agricultural Societies.</i>				
1 W. 4. c. 23 & 4 & 5. Vic. c. 23..	Joseph Peers.....	Allowance for the Brock District, for 1842.....	47 14 0	
	R. Bell.....	Do Bathurst do do.....	180 0 0	
	Martin McMartin..	Do Eastern do do.....	171 0 0	
	James S. Wetherall	Do Gore do do.....	144 0 0	
	Wm. Atkinson.....	Do Home do do.....	180 0 0	
	J. Wiltse.....	Do Johnstown do do.....	153 0 0	
	John Stiles.....	Do London do do.....	87 15 0	
	Thomas Glassup...	Do Midland do do.....	142 8 6	
	David Smart.....	Do Newcastle do do.....	102 12 0	
	Thos. H. Johnson..	Do Ottawa do do.....	180 0 0	
	Wm. Gibson.....	Do Niagara do do.....	90 0 0	
	Wm. Hewatt.....	Do Wellington do do.....	135 6 9	
	John McDonald....	Do Huron do do.....	153 0 0	
	Charles Bockus....	Do Prince Edward Dist. do.....	48 12 0	
	Philip Ham.....	Do Victoria do do.....	74 9 6	
	James Dougall....	Do Western do do.....	151 4 0	
	George M. Baker..	Do Dalhousie do do.....	76 1 0	
<i>Militia Pensions.</i>				
7 W. 4. c. 103, & } 1 Vic. c. 44, & } various Acts...	Hon. J. H. Dunn...	To enable him to Pay the Militia Pensions for the year ended the 31st December, 1842.....		3337 10 3
59 G. 3. c. 7, & 2 } G. 4. c. 16.. }	Thomas Parke Surveyor General...	Fees Payable to him for Returns furnished the District Treasurers in the year 1842.....		27 2 3
2 Vic. c. 9.....	Captain Purdy....	For Expenses of a Court Martial 4th Regiment Hastings Militia in 1840.....		1 2 6
			£	10108 15 4
Equal to in Currency.....			£	11231 19 4

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HENCKS,  
Inspector General.

## B. 6.

STATEMENT of Payments shewing the Expenditure for Services provided for by Acts of the Legislature of the Province of Canada, for the year ending the 31st December, 1842.

Enactments.	NAMES.	SERVICE.	Amount.	Total Sterling.
			£ s. d.	£ s. d.
		<i>Officers Legislative Council.</i>		
4 & 5 Vic. c. 45....	James Fitzgibbon...	Salary as Clerk, from 1st January to the 9th June, 1841, at £450 per annum.....	197 5 3	
	C. DeLery, Junr...	Do as Assistant Clerk, from 1st January to the 13th June, 1842, at £315 do.....	141 10 7	
	J. F. Taylor.....	Do as do from do to do at do do.....	141 10 7	
	Robert Armour....	Do as Clerk of Committees, Law Clerk and English Translator, from do to do at £225 do.....	101 1 11	
	J. G. Spragge.....	Do as Master in Chancery, from do to do at £90 do.....	40 8 9	
	F. S. Jarvis.....	Do as Gentleman Usher of the Black Rod, from do to the 9th June, 1842, at do do.....	39 9 1	
	O. Vallerand.....	Do as Sergeant at Arms, from do to the 15th August, 1842, at do do.....	55 19 6	
	Rev. W. A. Adamson.....	Do as Chaplain and Librarian, from do to the 14th June, 1842, at £180 do.....	81 7 5	
	Thomas Brooke....	Do as Doorkeeper, from do to the 13th June, 1842, at £54 do.....	24 5 3	
	Michael Keating...	Do as Head Messenger, from do to do at £90 do.....	40 8 9	
				863 7 1
		<i>Officers Legislative Assembly.</i>		
	Austin Cuvillier...	Salary as Speaker, from 1st January to the 13th June, 1842, at £1000 per annum.....	404 7 8	
	W. B. Lindsay....	Do as Clerk, from do to do at £450 do.....	202 3 10	
	G. B. Faribault....	Do as Assistant Clerk, from do to do at £360 do.....	161 15 0	
	G. W. Wicksteed..	Do as English Translator and Law Clerk, from do to do at £315 do.....	141 10 7	
	Henri Voyer.....	Do as French Translator, from do to do at £225 do.....	101 1 11	
	George Chisholm..	Do as Sergeant at Arms, from do to do at £90 do.....	39 9 1	
				1050 8 1
		<i>Pensions, Officers House of Assembly, Upper and Lower Canada.</i>		
	L. B. Pinguet.....	Pension as late Clerk of Committees Lower Canada, from 1st January to 17th September, 1842, at £60 per annum.....	42 14 10	
	Samuel Waller....	Do do do from do to do at £90 do..	64 2 3	
	Jasper Brewer....	Do as Librarian, from do to do at £120 do...	85 9 8	
	F. Rodrigue.....	Do as Messenger, Lower Canada, from do to do at £16 4s. Od. do.....	11 10 8	
	Louise Gagné.....	Do as do from do to do at do do.....	11 10 8	
	David Jardine....	Do as Clerk Committees Upper Canada, from do to do at £120 do.....	85 9 8	
	William Coates....	Do as do from do to do at do do.....	85 9 8	
	Æneas Bell.....	Do as Messenger Upper Canada, from do to do at £16 4s. Od. do.....	11 10 8	
		<i>Legislative Council, Lower Canada.</i>		
	William Smith...	Pension as late Clerk and Master in Chancery, from 1st January to the 17th September, 1842, at £354 per annum.....	252 3 3	
	Representative of C. E. DeLery.....	Do as Assistant Clerk, from 1st January to the 17th February, 1842, is 48 days, at £240 per annum....	31 11 2	
	Jacques Voyer....	Do as Clerk Committees, from 1st January to the 17th September, 1842, at £150 per annum.....	106 17 0	
	William Ginger...	Do as Sergeant at Arms, from do to do at £60 do.....	42 14 10	
	Louis Noreau....	Do as Messenger and Office Keeper, from do to do at £18 do.....	12 16 5	
	Receiver General..	To reimburse him, this Amount being Balance paid by him for Sessional Allowance to two Members of the Legislative Assembly, as an Indemnity for their Disbursements in attending the late Session of the Provincial Legislature, and to defray their travelling Expenses.....		844 0 9
4 & 5 Vic. c. 50....	Robert Stanton....	Paid him on Account of Printing the Revised Statutes of Upper Canada.....	450 0 0	
	Rawson W. Rawson	To pay W. E. Logan, Preliminary Survey, out of grant for Geological Survey of the Province.....	54 0 0	
	Henry Webster....	Treasurer of the Talbot District, this sum Allowed for Common Schools, for 1841.....	135 0 0	
		<i>Carried over.....</i>	£	639 0 0
				2894 11 14



## B. 6.

## STATEMENT of Payments shewing the Expenditure for Services, &amp;c.—Continued.

Enactments.	NAMES.	SERVICE.	Amount.	Total Sterling.
		<i>Brought over</i> .....	£ s. d. 639 0 0	£ s. d. 2894 11 11
		<i>Legislative Council, Lower Canada.</i>		
4 & 5 Vic. c. 50...	John Duval.....	President of Quebec Education Society, this sum being Aid for 1841.....	63 0 0	
	T. A. Stayner.....	Do of the British and Canadian School at Quebec, being Aid for 1841.....	45 0 0	
	J. McConville.....	Teacher of the Academy at Berthier, Aid for 1841...	22 10 0	
	S. S. Foster.....	Do do at Shelldford, do do ..	22 10 0	
	Selby Burn.....	Master of the School under the Royal Institution at Three Rivers, Balance for 1841.....	10 2 6	802 2 6
		<i>Salaries of the District Judges, and Clerks of the several Districts, Canada West.</i>		
4 & 5 Vic. c. 3 & 8.	Henry Webster....	Treasurer of the Talbot District to make up deficiency of the Fee Fund, to 31st December, 1842, for that year.....	295 9 0	
	David Smith.....	Do of the Prince Edward District, to make up the deficiency of the Fee Fund for 1842.....	214 13 9	
	David J. Smith....	Do of the Midland District, to make up the deficiency of the Fee Fund, from 1st December, 1841, to 30th June, 1842.....	84 10 3	
	Alexander McLean	Do of the Eastern District, to do do do from 1st December, 1841 to 1st June, 1842.....	134 3 11	
	J. B. Baby.....	Do of the Western District, to do do do from 18th September, 1841 to 31st December, 1842.....	371 2 7	
	F. T. Billings....	Do of the Home District, to do do do from 18th September, 1841 to 31st May, 1842.....	83 4 0	
	Philip Ham.....	Do of the Victoria District, to do do do from 1st December, 1841 to 31st December, 1842.....	272 11 6	
	Henry Ransford...	Do of the Huron District, to do do do from 1st January to 31st December, 1842.....	236 1 9	
	Daniel McDougall.	Do of the Niagara District to do do do from 18th September, 1841 to 31st December, 1842.....	498 1 3	
	Zacheus Burnham.	Do of the Newcastle District to do do do from 18th September, 1841 to 31st December, 1842.....	186 0 11	
	John Gilchrist....	Do of the Colborne District to do do do for 12 Months to 31st December, 1842.....	292 4 9	
	John Harris.....	Do of the London District to do do do from 18th September, 1841 to 31st December, 1842.....	305 19 7	
	T. M. Radenhurst.	Treasurer of the Bathurst District to make up the deficiency of the Fee Fund from 18th September, 1841 to 30th June, 1842.....	188 19 9	
	Thos. H. Johnson..	Do of the Ottawa District to do do do from 1st January to 31st December, 1842.....	251 11 7	
	Henry Beasley....	Do of the Gore District to do do do from 18th September, 1841 to 31st December, 1842.....	599 15 0	
	A. N. Buel.....	Do of the Johnstown District to do do do from do to do.....	410 1 7	
	H. C. Barwick....	Do of the Brock District to do do do from do to do.....	363 14 4	
	William Hewatt...	Do of the Wellington District to do do do from do to do.....	392 17 11	
			5181 3 5	
		Less this amount repaid by Midland District.....	7 7 0	5173 16 5
4 & 5 Vic. c. 15....	E. B. Lindsay.....	Treasurer of the Trinity Board, Quebec, on account of a grant for erection of Light Houses on Bicquet and South Pillar Islands one 1/2 in 1841.....		1800 0 0
4 & 5 Vic. c. 18....	T. M. Radenhurst..	Treasurer of the Bathurst District appropriation for Common Schools for 1842.....	925 8 7	
	H. C. Barwick....	Do Brock District appropriation for 1842..	498 3 5	
	John Gilchrist....	Do Colborne do do do	300 3 9	
	Alexander McLean	Do Eastern do do do	765 4 7	
	Henry Beasley....	Do Gore do do do	1628 13 4	
	James S. Howard..	Do Home do do do	2577 7 1	
	Andrew N. Buel...	Do Johnstown do do do	601 8 10	
	John Harris.....	Do London do do do	274 13 0	
	David J. Smith....	Do Midland do do do	457 8 0	
	Zacheus Burnham.	Do Newcastle do do do	1076 15 2	
	Daniel McDougall	Do Niagara do do do	1305 19 9	
	T. H. Johnson....	Do Ottawa do do do	327 7 8	
	David Smith.....	Do Prince Edward do do do	419 11 5	
	Henry Webster....	Do Talbot do do do	380 14 9	
	Philip Ham.....	Do Victoria do do do	436 3 2	
	J. B. Baby.....	Do Western do do do	861 4 3	
	Wm. Hewatt.....	Do Wellington do do do	549 19 8	
	J. J. Burrowes....	Treasurer Corporation, Kingston, appropriation for Common Schools for 1842.....	216 10 2	
		<i>Carried forward</i> .....£	13612 16 7	10670 10 10

## B. 6.

## STATEMENT of Payments shewing the Expenditure for Services, &amp;c.—Continued.

Enactments.	NAMES.	SERVICE.	Amount.	Total Sterling.
			£ s. d.	£ s. d.
		<i>Brought forward</i> .....	13612 16 7	10670 10 10
		<i>Appropriation for Common Schools.</i>		
4 & 5 Vic. c. 18....	A. T. McCord.....	Chamberlain City of Toronto, for 1842.....	489 10 8	
	George S. Tiffin...	President Board of Police, Hamilton, do do.....	116 3 11	
	Edward Mathews...	Do do London, do do.....	69 1 8	
	D'Arcy Boulton....	Do do Cobourg, do do.....	71 1 10	
	F. McAnnany.....	Do do Belleville, do do.....	47 3 9	
	R. Cline.....	Do do Cornwall, do do.....	49 0 9	
	R. J. Hopkins.....	Do do Picton, do do.....	38 8 0	14493 7 2
	R. S. Jamieson....	Salary as Superintendent of Education, from the 10th of May to 31st December, at £675 per annum....	433 13 3	
	Do.....	For Visiting of Schools as Superintendent, do do....	180 0 0	613 13 3
		<i>Salaries of the District Judges in Canada East.</i>		
4 & 5 Vic. c. 20....	W. K. McCord.....	Balance of Salary to 31st December, 1842.....	267 14 9	
	A. N. Morin.....	Do do 12th October, do.....	263 13 6	
	Wm. Power.....	Do do 30th June, do.....	118 3 3	
	C. E. Mondelet....	Do do 31st December, do.....	285 13 3	
	J. C. Bruncau....	Do do 30th June, do.....	134 5 0	
	Hypolite Guy.....	Do do 8th June, do.....	39 10 1	
	J. S. McCord.....	Salary as Judge, from the 10th to the 30th June, 1842, at £450 per annum.....	25 17 10	
	T. Doucet.....	Clerk Saint Hyacinthe, for Disbursements.....	23 12 7	
			1158 10 3	
		Less this Amount Payments received.....	43 17 2	1114 13 1
6 Vic. c. 30.....	Doctor T. Rolph...	This sum granted last Session to remunerate him for his services as Emigrant Agent in England.....	.. .. .	500 0 0
4 & 5 Vic. c. 59....	Benjamin Holmes..	This sum for the erection of Light Houses, within the Port of Montreal.....	.. .. .	818 14 0
				£ 28210 18 4
		Equal in Currency to.....	.. .. .	£ 31345 9 4

## B. 7.

## STATEMENT of Charges on the Consolidated Revenue Fund of the Province of Canada, for Services provided for by Acts of the Legislature of Lower and Upper Canada, and included in the Public Accounts for the year 1841, but not transferred to the Consolidated Revenue Fund until 1842.

			Sterling.	
			£ s. d.	£ s. d.
Saint Anns Rapids.....	For this Amount on Account of said Work.....		3877 18 9	
Provincial Penitentiary.....	Do do do do.....		8991 18 0	
New Brunswick Road.....	Do do do do.....		2250 0 0	
Garafraxa Road.....	Do do do do.....		2250 0 0	
Trent Navigation.....	Do do do do.....		554 10 3	17924 7 0
Montreal Turnpike Trust...	For paid Benjamin Holmes, Chairman, Interest on Loans effected up to 5th July, 1841.....		1002 8 8	
Quebec Turnpike Trust...	For paid John Porter, Secretary, Interest on Loans effected up to 1st January, 1842.....		360 17 8	1363 6 4
				£ 19287 13 4
	Equal in Currency to.....		.. .. .	£ 21430 14 10

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## B. 8.

STATEMENT exhibiting the state of the Sinking Fund for the redemption of the Public Debt of the Province of Canada, in the year ending the 31st December, 1842.

	£ s. d.	£ s. d.
By this Amount transferred from the Consolidated Revenue Fund, and applied in liquidation of the Unfunded Debt of the Province, as follows, viz:		
Bank of Upper Canada this Amount.....	.. .. .	20000 0 0
Gore Bank do .....	.. .. .	6000 0 0
Baring, Brothers & Co. do .....	7054 3 6½	
Glynn, Mills, Halifax & Co. do .....	14245 5 6	21299 9 0½
	<i>Currency.</i> £	47299 9 0½
	<i>Sterling.</i> £	42569 10 1

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

## B. 9.

STATEMENT of Payments on Account of the Expenditure of the Civil Government of the Province of Canada, for the year 1842, provided for by Act 6 Victoria, cap.9.

NAMES.	SERVICE.	Amount.		Total
		£ s. d.	£ s. d.	Sterling.
	<i>Adjutant General, East.</i>			
B. C. A. Gagy.....	For Twelve Months Salary as Adjutant General of Militia, Canada East, to 31st December, 1842....	.. .. .	450 0 0	
Charles Duchesnay.....	Do do do as 1st Clerk, at 7s. 6d. per diem, Currency.....	.. .. .	123 3 9	
Charles Petitclair.....	Do do do as 2nd do at 5s. do .....	.. .. .	82 2 6	
E. W. R. Antrobus.....	Do do do as Provincial Aid-de-Camp.....	.. .. .	180 0 0	
	Do do do of a Messenger.....	.. .. .	18 5 0	853 11 3
	<i>Adjutant General, West.</i>			
Wm. M. Steers.....	For Twelve Months Salary as Clerk, to 31st December, 1842.....	.. .. .	.. .. .	153 0 0
	<i>Miscellaneous.</i>			
A. J. Duchesnay.....	Allowance for Translating Public Documents into French.....	.. .. .	50 0 0	
T. A. Begley and others..	For Ordinary Repairs to Public Buildings, and care of the same.....	.. .. .	1981 1 11	
Alexander Thompson....	Salary as Inspector of Chimnies, at Three Rivers..	.. .. .	25 0 0	
A. Hamel.....	Do as Keeper of Depot of Provisions on the River Saint Lawrence, for the relief of Shipwrecked Persons, 6 Months to 30th June, 1842.....	.. .. .	22 10 0	
L. O. Gamache .....	Do do do do 9 Months to 30th September, 1842.....	.. .. .	33 15 0	
John King.....	For Salary as Keeper of Legislative Buildings, Quebec.....	.. .. .	90 0 0	
W. B. Lindsay.....	Do Contingent Expenses of Insurance, Fuel, &c. for the same.....	.. .. .	75 0 0	
Thos. Amiot and others..	Do do do of Postage, &c. of the Office of Clerk of the Crown in Chancery, in 1841 and 1842..	.. .. .	153 15 4	
Pierre Brochu.....	Do Allowance for residing on the Kempt Road from the 1st October, 1841 to 31st December, 1842....	.. .. .	22 10 0	
Joseph Parent .....	Do Expenses of the Quarantine Establishments at Quebec and Grosse Isle, for the year 1842.....	.. .. .	1500 0 0	
Desbarats & Derbishire..	Do Expenses incurred in Printing the Acts of last Session, 1841.....	.. .. .	3630 5 9	
Do do ..	Do do do do Reserved Acts.....	.. .. .	670 5 3	
Do do ..	Do do in Publishing in the Canada Gazette..	.. .. .	332 13 8	
Fisher & Kemble.....	Do do do in Quebec do two Languages.....	.. .. .	355 12 2	
Do do ..	Do do in Distributing the Laws of the Session, &c .....	.. .. .	192 1 2	
	<i>Carried forward.....</i>	.. .. .	£ 9134 10 3	1006 11 3

## B. 9.

## STATEMENT of Payments on Account of the Expenditure, &amp;c.—Continued.

NAMES.	SERVICE.	Amount.			Total Sterling.	
		£	s.	d.	£ s. d.	
	<i>Brought forward</i> .....	..	..	..	9134 10 3	1006 11 3
	<i>Miscellaneous.</i>					
Desbarats & Derbshire...	For Expenses incurred in Printing Forms under Census Acts.....	..	..	..	448 15 6	
Thomas D. Harrington...	Do do in Distributing the same.....	..	..	..	254 3 7	
Desbarats & Derbshire...	Do Printing a French Version of the Index of the Laws of late Lower Canada.....	..	..	..	68 12 6	
Thomas Cary & Co.....	Do Printing 100 copies of Judicature Bill and for subscription to Public Journals.....	..	..	..	21 15 5	
E. Turcotte.....	Do completing the Translation of the Laws of last Session in French.....	..	..	..	350 0 0	
Desbarats & Derbshire...	Do Printing the Reserved Acts &c. of 1842.....	140	10	0		
	Do do Publication of Proclamations, 1842.....	244	11	3		
	Do Subscription to Canada Gazette do.....	197	8	8		
	Do Printing Acts last Session do.....	1266	3	3		
	Do packing, distributing, &c. in Canada East.....	104	10	0		
	Do Subscription to Canada Gazette.....	131	12	6		
					2084 15 8	
Fisher & Kemble.....	Do Publishing Union Act in English and French ..	26	17	7		
Do .....	Do Proclamation, &c. published in the Quebec Ga- zette for 12 Months to the 31st December.....	143	19	6		
Do .....	Do Publishing Acts of last Session.....	121	18	3		
					202 15 4	
Thomas Cary & Co.....	Do a sett of the Quebec Gazette up to 1841.....	..	..	..	27 0 0	
Robert Stanton.....	Do Printing the Upper Canada Gazette in the Six Months to the 30th June, 1842.....	134	4	1		
	Do do do do to 31st December, do.	160	5	2		
					294 9 3	
Thomas D. Harrington...	Do Expense of distributing the Laws Canada West, in 1842.....	..	..	..	75 14 6	
	<i>Charitable Institutions.</i>					
Louis Massue.....	Commissioner for the relief of Insane Persons, of Foundlings and Indigent Sick Persons in the Dis- trict of Quebec, to defray the expenses of these objects in 1842.....	..	..	..	1671 13 1	
R. L. Morrogh.....	Do do do District of Montreal do.....	..	..	..	1150 0 0	
J. P. Bureau.....	Do do do do Three Rivers do.....	..	..	..	680 0 0	
S. Gerard.....	Do Corporation of the General Hospital Montreal aid do.....	..	..	..	900 0 0	
Mrs. D. Freer.....	Do aid to the Managers of the Female Orphan Asy- lum, Quebec.....	..	..	..	90 0 0	
Mrs. Richardson.....	Do do to the Ladies of the Benevolent Society at Montreal, for Widows and Orphans.....	..	..	..	90 0 0	
M. L. R. Charcau.....	Do do to the Roman Catholic Orphan Asylum, at Quebec.....	..	..	..	90 0 0	
Mr s. Jane Ross.....	Do do do Montreal Protestant Asylum.....	..	..	..	90 0 0	
Henry Jessupp.....	Do do do Managers Male Orphan Asylum, Quebec.....	..	..	..	90 0 0	
J. C. Quesnel.....	Do do do Charitable Ladies of the Roman Ca- tholic Orphan Asylum, at Montreal.....	..	..	..	90 0 0	
Wm. Lunn.....	Do towards the support of the Temporary Lunatic Asylum at Montreal, in the year 1842.....	..	..	..	900 0 0	
James Nation.....	Do do do of the Toronto General Hospital.....	..	..	..	450 0 0	
Wm. Atkinson.....	Towards the support of the Toronto House of Indus- try.....	..	..	..	315 0 0	
John Counter.....	Aid towards the relief of the Indigent Sick at Kings- ton.....	..	..	..	350 0 0	
W. B. Jarvis.....	For Lunatic Asylum Toronto, for arrears to 31st December, 1841, and for the expense of the year 1842.....	3049	11	8		
Wm. Rees, Superintendent	Do arrears and for service in 1842.....	362	3	9		
					3411 15 5	10368 8 6
	<i>For the Promotion of Education.</i>					
Rev. R. Burrage.....	Salary of the Secretary of the Royal Institution for the advancement of Learning, including Messenger and Contingencies.....	..	..	..	151 0 0	
Alexander Skakel.....	Do of the Master of the Grammar School, at Mon- treal and allowance for House Rent.....	..	..	..	254 0 0	
Rev. J. Bethune.....	Towards the support of the National School, Mon- treal.....	..	..	..	100 0 0	
Henry Jessupp.....	Do do do do do Quebec.....	..	..	..	100 0 0	
John Duval.....	For the Society of Education, at Quebec.....	..	..	..	252 0 0	
Thomas A. Stayner.....	Do British and Canadian School, at Quebec.....	..	..	..	180 0 0	
Wm. Lunn.....	Do do do do do Montreal.....	..	..	..	180 0 0	
	<i>Carried over</i> .....	..	..	£	1217 0 0	24427 11 9

## B. 9.

## STATEMENT of Payments on Account of the Expenditure, &amp;c.—Continued.

NAMES.	SERVICE.	Amount.			Total Sterling.
		£	s.	d.	£ s. d.
	<i>Brought over</i> .....	..	..	..	1217 0 0 24427 11 9
	<i>For the Promotion of Education.</i>				
Wm. Bain.....	For the Saint Andrews School, at Quebec.....	..	..	..	90 0 0
Jacques Viger.....	Do do Jacques do at Montreal.....	..	..	..	180 0 0
John E. Mills.....	Do Montreal American Presbyterian Free School.....	..	..	..	90 0 0
J. McConville.....	Do Teacher of the Academy at Berthier.....	..	..	..	90 0 0
Rev. F. Pilote.....	Do College of St. Anne de la Pocatière.....	..	..	..	180 0 0
Rev. F. Mignault.....	Do do of Chambly.....	..	..	..	180 0 0
Rev. J. Laroque.....	Do do of Saint Hyacinthe.....	..	..	..	180 0 0
S. S. Foster.....	Do Academy, at Shefford.....	..	..	..	90 0 0
Rev. A. Balfour.....	Do School at Waterloo in Shefford.....	..	..	..	90 0 0
Selby Burns.....	Do Master of the School, at Three Rivers, under the Royal Institution for Salary.....	..	..	..	40 10 0
Rev. M. Willoughby.....	Do British North American School Society, at Sherbrooke.....	..	..	..	45 0 0
Rev. John Beatty.....	Do Victoria College.....	..	..	..	450 0 0
Joseph Spragge.....	For Twelve Months Salary as Master of the Central School.....	230	0	0	
Do.....	Do do do Contingent Expenses to 31st December, 1842.....	70	1	7	
J. F. Wilson.....	Do do do as Teacher do do.....	90	0	0	
Rebecca Sylvester.....	Do do do as Assistant Teacher do.....	45	0	0	
					435 1 7
	<i>Various Public Institutions.</i>				3357 11 7
Robert Symes.....	Aid to the Literary and Historical Society of Quebec, towards defraying expenses of former years.....	..	..	..	45 0 0
Wm. Badgley.....	For the National Historical Society of Montreal.....	..	..	..	45 0 0
Henry Weston.....	Do Quebec Mechanics Institute.....	..	..	..	45 0 0
John Redpath.....	Do Montreal do do.....	..	..	..	45 0 0
A. F. Holmes.....	Do McGill College, Medical Faculty.....	..	..	..	450 0 0
					630 0 0
	<b>OFFICERS OF THE LEGISLATURE.</b>				
	<i>Legislative Council.</i>				
James Fitzgibbon.....	Salary as Clerk from 10th June to the 31st December, 1842, at £450 per annum.....	..	..	..	252 14 9
C. DeLery.....	Do do do 14th do at £315 do.....	..	..	..	173 9 5
J. F. Taylor.....	Do do do do at do do.....	..	..	..	173 9 5
Robert Armour.....	Do do of Committees, Law Clerk and English Translator do 14th do at £225 do.....	..	..	..	123 18 1
J. G. Spragge.....	Do as Master in Chancery do at 90 do.....	..	..	..	49 11 3
F. S. Jarvis.....	Do as Gentleman Usher of the Black Rod, from 10th June to 31st December at £90 do.....	..	..	..	50 10 11
O. Valerand.....	Do as Sergeant at Arms from 16th August to do at £90 do.....	..	..	..	34 0 6
Rev. W. Adamson.....	Do as Chaplain to act as Librarian from 15th June at £180 do.....	..	..	..	98 12 7
Thomas Brooke.....	Do as Doorkeeper, from 14th June to 31st December 1842 at £54 do.....	..	..	..	29 14 9
Michael Keating.....	Do as Head Messenger, from do to do at £90 do.....	..	..	..	49 11 3
John Bright.....	Allowance as Messenger for Session at £45 do.....	..	..	..	40 10 0
Joseph Fenwick.....	Do do do do do do.....	..	..	..	40 10 0
A. Lachance.....	Do do do do do do.....	..	..	..	40 10 0
James Fitzgibbon.....	Contingent Expenses of the House.....	..	..	..	4500 0 0
					5657 2 11
	<i>Legislative Assembly.</i>				
A. Cuvillier.....	Salary as Speaker, from 14th June to 31st December, 1842 at £900 do.....	..	..	..	495 12 4
W. B. Lindsay.....	Do as Clerk do do at £450 do.....	..	..	..	247 16 2
G. B. Faribault.....	Do as Assistant do do at 360 do.....	..	..	..	198 5 0
G. W. Wicksteed.....	Do as English Translator and Law Clerk, do do at £315 do.....	..	..	..	173 9 5
Henri Voyer.....	Do as French do from do to do at £225 do.....	..	..	..	123 18 1
George Chisholm.....	Do as Sergeant at Arms do to do at 90 do.....	..	..	..	50 10 11
Felix Fortier.....	Do as Clerk of the Crown in Chancery to do at £135 do.....	..	..	..	124 9 2
James Fitzgibbon.....	Arrears of Salary as late Clerk to the House of Assembly of Upper Canada, 10th February to 9th June, 1841 at £180 do.....	..	..	..	60 0 0
W. B. Lindsay.....	Contingent Expenses of House.....	..	..	..	5400 0 0
Hon. J. H. Dunn.....	Sessional allowance to Members paid by him.....	..	..	..	2747 13 1
					9621 14 2
	<i>Carried forward</i> .....	..	..	..	£ 43694 0 5

## B. 9.

## STATEMENT of Payments on Account of the Expenditure &amp;c.—Continued.

NAMES.	SERVICE.	Amount.			Total
		£	s.	d.	Sterling.
	<i>Brought forward</i> .....	£	s.	d.	43694 0 5
	<i>Pensions to Officers and Servants of the late Legislative Bodies of the two portions of the Province of Canada.</i>				
William Smith.....	Pension as late Clerk of the Legislative Council of Lower Canada and as Master in Chancery, from 18th September to 31st December, 1842, at £354 per annum.....		101	16 9	
Jacques Voyer.....	Do as late Clerk of Committees, to do from do at £150 do.....		43	3 0	
William Ginger.....	Do as do Sergeant at Arms, to do from do at £60 do.....		17	5 2	
Louis Noreau.....	Do as do Messenger, to do from do at £18 do.....		5	3 7	
L. B. Pinguet.....	Do as Clerk of Committees of the House of Assembly of Lower Canada, from 18th September to 31st December, 1842, at £60 do.....		17	5 2	
Samuel Waller.....	Do as do do do do £ 90 do.....		25	17 9	
David Jardine.....	Do as do in Upper Canada do do 120 do.....		34	10 4	
Wm. Coates.....	Do as do in do do do 120 do.....		34	10 4	
Jasper Brewer.....	Do as late Librarian to the House of Assembly of Lower Canada, from 18th September to 31st December, 1842, at £120 do.....		34	10 4	
Francis Rodrigue.....	Do as Messenger, to do from do to do at £16 4s. do.....		4	13 4	
Louis Gagné.....	Do as do to do from do to do at do do.....		4	13 4	
Æneas Bell.....	Do as do Upper Canada to do at do do.....		4	13 4	
	<i>Rural Police, Canada East.</i>				328 2 5
Wm. F. Coffin.....	Commissioner of Police, Pay and Contingencies for January.....		479	6 10	
Wm. Ermatinger.....	Do do do do from 1st February to 31st December, 1842.....		7139	10 8	
	<i>Police Magistrates.</i>				7618 17 6
Thomas A. Young.....	Twelve Months Salary as Police Magistrate, to 31st December, 1842.....		360	0 0	
Henry Driscoll.....	1st January to 8th September, do do at £360 per annum.....		249	0 9	
Charles Wetherall.....	9th September to 31st December, do do at do do.....		28	2 2	
P. E. Leclere.....	Twelve Months Salary as Police Magistrate, to 31st December, 1842, at St. Hyacinthe.....		270	0 0	
Thomas Colman.....	Do do do do do and Paymaster.....		270	0 0	
R. B. Johnson.....	Do do do do do at St. Scholastique.....		270	0 0	
Charles Wetherall.....	Do do do do do at Laprairie.....		270	0 0	
David Kinnear.....	Do do do do do at Shefford.....		270	0 0	
Elzéar Duchesnay.....	Do do do do do at St. Marie de Monvoir.....		270	0 0	
Wm. C. Hanson.....	Do do do do do at Nicolet.....		270	0 0	
Edward A. Clarke.....	Do do do do do at Berthier.....		270	0 0	
	<i>Stipendiary Magistrates.</i>				
Samuel J. Burton.....	Salary as Magistrate at Saint Johns.....		182	10 0	
W. U. Chaffers.....	Do do do at Saint Césaire.....		90	0 0	
Alexis Pinet.....	Do do do at Varennes.....		90	0 0	
F. E. Globensky.....	Do do do at Saint Eustache.....		90	0 0	
Timolean Quesnel.....	Do do do at Lacadie.....		90	0 0	
W. F. Coffin.....	Do as Commissioner of Police, from 1st January to 15th February, at £100.....		12	12 0	
Wm. Ermatinger.....	Do do do 16th February to 31st December.....		87	1 1	
Benjamin Seaton.....	Do as Clerk do 1st January to do.....		125	0 0	
C. M. DeLisle.....	Do as do do 7th to 31st March, at £125.....		8	11 2	
G. B. Cullen.....	Do as do do from 1st April to 31st December at £112 10s.....		84	7 6	
John Young.....	Do as do do do do.....		112	10 0	
Thomas A. Young.....	Police Magistrate, Quebec, Printing, &c. to do.....		114	13 9	
G. B. Cullen.....	Clerk, Police Magistrate, Montreal, do &c to do.....		19	16 1	
	<i>Provincial Penitentiary.</i>				3904 4 6
Thomas Kirkpatrick.....	President Board of Directors on account of Expenses.....		3150	0 0	
Hon. F. W. Primrose.....	Expenses of Enregistering certain Public Documents under Ordinance 4 Vic. c. 50.....		100	0 0	
W. H. Stanton.....	For Printing, &c. for the Eastern and Western Branches of Superintendent of Education.....		79	17 3	
Malcolm Cameron.....	Do Expenses of Commission of Enquiry into the mode of collecting the Revenue in the Western portion of the Province.....		619	2 4	
J. N. Bossé.....	Do Expenses of Commission to Magdalen Islands.....		132	13 6	
	<i>Carried over</i> .....		£	59626 17 11	

## B. 9.

## STATEMENT of Payments on Account of the Expenditure, &amp;c.—Continued.

NAMES.	SERVICE.	Amount.		Total Sterling.
		£ s. d.	£ s. d.	£ s. d.
	<i>Brought over</i> .....			59626 17 11
George Vanfelson.....	Chief Commissioner for Contingencies of Seignorial Tenure Commission.....		450 0 0	
Do.....	Balance of remuneration.....		122 2 9	
Alexander Buchanan.....	Contingencies.....		90 0 0	
Do.....	Remuneration as Commissioner.....		90 0 0	
John S. McCord.....	Do do do.....		90 0 0	
J. E. Turcotte.....	Services as Secretary to Commissioners.....		200 0 0	
				1042 2 9
Alexander Buchanan.....	Remuneration as Commissioner for the Revision of the Laws of Lower Canada.....		90 0 0	
F. G. Johnson.....	Services as Secretary to the Commission.....		90 0 0	
				180 0 0
Baron de Rottenburg.....	Expenses of Temporary Police, Welland Canal.....			389 3 0
Commissioner of Crown Lands.....	To reimburse expenditure on Lambton and Kennebec Road.....			1139 10 5
Do do.....	Do do do on Owen Sound Settlement.....			532 7 2
	<i>Unforseen.</i>			
T. A. Begley.....	Secretary Board of Works for expenses of Chairman and Engineer, examining District Surveyors.....		24 1 10	
Samuel Brooks.....	For Furniture for the Court House at Sherbrooke.....		162 6 11	
				186 8 9
Hon. J. H. Dunn, Receiver General.....	To reimburse him this sum advanced for Plans and Estimate of a Lunatic Asylum in 1835.....			135 0 0
				£ 63231 10 0
	Equal in Currency to.....			£ 70257 4 6

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.

## C.

## STATEMENT of the particulars of the Payments and Deductions made from the Revenues constituting the Consolidated Fund of the Province of Canada, for Expenses of Management, Collection, Drawbacks, Return Duty, &amp;c., for the year ending the 5th January, 1843.

Payments and Deductions made out of the Income in its Progress of Collection.			Amount	Total
	£ s. d.	£ s. d.	Currency.	Currency.
At the Port of Quebec.—Salaries and Incidents.....			4704 11 7	
Drawbacks, &c.....			31 11 1	
				4736 2 8
At the Port of Montreal.—Salaries and Incidents.....			2096 17 3	
Drawbacks, &c.....			595 4 3½	
				2692 1 6½
At the Port of St. Johns.....				3 9 10
At the several Ports in Western Canada, for Commission, &c.....				3806 18 5¾
Commission, to the several Inspectors of Licenses in the Province of Canada, on the Amount of Excise Duties collected.....				2066 6 3¾
<i>Carried forward</i> .....				£ 13304 18 10

## STATEMENT of the particulars of the Payments and Deductions, &amp;c.—Continued.

Payments and Deductions made out of the Income in its Progress of Collection.	Amount			Total		
	Currency.			Currency.		
	£	s.	d.	£	s.	d.
<i>Brought forward</i> .....						13304 18 10
<i>Expenses of Management, Salaries, &amp;c., out of the Territorial Revenue.</i>						
Land Rights absorbed in the year ended the 31st December, 1842.			8698 16 9			
Militia Scrip, do do do.			8101 11 8			
Expenses of Surveys, do do do.			909 7 8			
Cancelled Sales, do do do.			177 8 0			
				17887	4	1
<i>Sundries.</i>						
Deficiency in Lands Sold.....			31 10 0			
Advance to Lambton and Kennebec Road, since Repaid.....			656 2 8			
Allowance to Honorable A. W. Cochrane, in lieu of Fees.....			30 0 0			
Advertisements.....			351 5 1			
Amount allowed A. McDonnell, on purchase of Two Town Lots in Peterborough, under authority of an Order in Council, 17th January, 1842.....			600 0 0			
				1668	17	9
<i>Salaries, Crown Land Department.</i>						
John Davidson, Twelve Months Salary as Commissioner, to the 31st December, 1842.....			888 17 8			
A. N. Morin, Salary as do 13th October to do at £800 Sterling, per annum.....			193 0 0			
T. Bouthillier, Twelve Months do as Assistant.....			666 13 4			
R. H. Thornhill, Three do as 1st Clerk, to 31st March, 1842.....			75 0 0			
John Dean, Twelve do as Accountant, including £5 11s. 1d. increase of 1841.....			227 15 7			
A. McNabb, do as Assistant do.....			170 0 0			
J. C. Tarbut, Services as Extra Clerk.....			34 0 0			
Do Salary as Clerk for Nine Months to 31st December, 1842, at £170 Currency, per annum.....			127 10 0			
H. Ball, do as do from 1st January to 7th June, 1842, at £153 Sterling, per annum.....			74 2 9			
Thomas Hammond, Services as Extra Clerk.....			128 5 0			
J. McDonough, do do.....			46 17 6			
A. McDonald, do do.....			32 5 0			
F. A. Hall, do do.....			35 15 0			
J. Kerr, do do.....			40 2 6			
D. H. Morphy, do do.....			127 10 0			
C. D. Shanley, do do.....			120 7 6			
Abraham Cloutier, Twelve Months Salary as Messenger, to 31st December, 1842.....			55 11 0			
<i>Salaries, Surveyor General's Office.</i>						
Thomas Parke, Twelve Months Salary as Surveyor General, to 31st December, 1842.....			666 13 4			
J. Bouchette, do as 1st Draftsman.....			390 0 0			
J. G. Chewett, Eight Months do as 1st do from the 1st July, 1841 to 28th February, 1842, at £300 Currency, per annum.....			200 0 0			
Wm. Spragg, Eight Months do as 1st Clerk, at £300 do.....			200 0 0			
Do Four Months Moiety of do whilst absent.....			50 0 0			
Thomas Hector, Twelve Months Salary as 2nd Clerk.....			200 0 0			
H. J. Jones, do do 3rd do.....			170 0 0			
M. A. Higgins, do do 4th do.....			170 0 0			
J. M. Caldwell, do do 5th do.....			170 0 0			
George Shaw, do do 6th do.....			170 0 0			
Andrew Russell, Services as 2nd Draftsman, between 1st January and 31st December, 1842, at £300 Currency, per annum.....			198 6 3			
E. J. Fletcher, do as Extra do.....			140 5 0			
A. Lane, do do do.....			102 13 4			
A. McDonough, do do Clerk.....			37 10 0			
Wm. Walker, Fifteen Months Salary as Messenger, from 1st October, 1841 to 31st December, 1842, at £50 Sterling, per annum.....			69 8 9			
<i>General Disbursements.</i>						
Expense of Surveys and Inspections.....			1567 4 1			
Printing and Advertising.....			321 0 6			
Postage and Stationery.....			655 6 6			
<i>Pensions.</i>						
J. G. Chewett, Four Months Retiring Allowance to 30th June, 1842, at £150 Currency, per annum.....	50	0	0			
R. H. Thornhill, Nine Months do from 1st April to 31st December, 1842, at £125 do do.....	93	15	0			
			143 15 0			
<i>Carried over</i> .....			£ 8575 15 7	19556	1 10	13304 18 10



## STATEMENT of the particulars of the Payments and Deductions, &amp;c.—Continued.

Payments and Deductions made out of the Income in its Progress of Collection.			Amount Currency.	Total Currency.
<i>Brought over</i> .....	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	.. .. .	8575 15 7	19556 1 10	13304 18 10
<i>Miscellaneous Expenses.</i>				
Office Expenses.....	92 18 3			
H. Tristan, compiling Doomsday Book.....	50 0 0			
S. J. Wilton, Expenses Boundary Commission.....	18 0 0			
J. Stephenson, do examining disputed Lots, &c.....	6 10 0			
J. Dean, Extra Service making out Land Rights Statement.....	11 14 4			
C. R. Ogden, allowance to late Attorney General in lieu of Fees..	119 13 5			
John Haslip, &c. Fencing Government Property at Kingston.....	155 13 7			
Contingencies of Postage, Stationery, &c.....	369 15 0			
William Hall, Commission on Sales.....	6 7 0			
		830 11 7		
	£	9406 7 2		
<i>Less.</i> —The proportion of 50 per cent. chargeable to the Protestant Clergy and the Six Nation, and sundry tribes of Indians by order in Council.....	.. .. .	4703 3 7		
			4703 3 7	
Proportion of Commission to Sundry Agents.....	.. .. .	.. .. .	1072 15 6	
<i>Woods and Forests.</i>				
G. L. Marler, Forest Ranger.....	.. .. .	51 13 7		
Wm. Morrison, do.....	.. .. .	21 6 6		
Repayment of an error.....	.. .. .	23 5 1		
Commission.....	.. .. .	43 18 2		
<i>Salaries, &amp;c., Bytown.</i>				
J. Stephenson, One Year's Salary as Collector.....	300 0 0			
Do Rent of the Collector's Office.....	25 0 0			
Do Travelling Expenses.....	19 4 3			
J. McNaughton, One Year's Salary as Deputy Provincial Surveyor	200 0 0			
Do Contingencies.....	78 4 6			
Dawson, One do do as Assistant Clerk.....	90 0 0			
Salary of the Clerk and Book-keeper, Twelve Months to 1st Sep- tember, 1842.....	150 0 0			
John Patterson, Teller of Timber.....	80 0 0			
John Cameron do.....	80 0 0			
McLean Stewart, visiting as Ranger.....	38 5 0			
Wm. Cameron, do as Assistant.....	25 16 0			
Louis Petite and Jean Gregoire, Boatmen for the Season.....	101 8 0			
Wm. Cameron, Check Officer at Grenville and Chatham.....	98 1 3			
Expenses, Collecting Bonds and Accounts, District of Ottawa below Bytown.....	50 0 0			
J. Cameron, Checking Rafts.....	12 5 3			
Postages, Stationery and other Disbursements.....	107 13 3			
		1455 17 6		
			1596 0 10	
<b>OUT OF REVENUE FROM PUBLIC WORKS.</b>				26928 1 8
<i>Lachine Canal.</i>				
Repairs to Canal.....	.. .. .	6116 8 6½		
Damages to Private Property.....	.. .. .	80 0 0		
D. Duff, on account of his Salary as Deputy Collector.....	.. .. .	100 0 0		
A. P. Tipson, Salary as Sub-Collector Seven Months from 1st May to 30th November, 1842, at £125 per annum.....	.. .. .	72 18 4		
J. Hindmarch, Salary as Superintendent, from 6th April to 30th November, 1842, at £150 Currency.....	.. .. .	97 15 2½		
J. Gilliland, do Wharfinger, from 1st May to 30th November, 1842, at 5s. Currency, per diem.....	.. .. .	53 10 0		
Pay to Lock Keepers and Labourers, from do to do.....	.. .. .	592 15 7		
Postages.....	.. .. .	18 1 7		
Balance in hands.....	.. .. .	295 2 2		
			7426 11 5	
<i>Burlington Canal Dues.</i>				
Commission to the Collector.....	.. .. .	.. .. .	91 1 8	
<i>Kettle Creek Harbour.</i>				
Commission to the Collector.....	.. .. .	.. .. .	31 4 6½	
<i>Toronto Harbour.</i>				
Commission to the Collector.....	.. .. .	62 18 3		
One Year's Salary to Light House Keeper.....	.. .. .	50 0 0		
			112 18 3	
<i>Carried forward</i> .....	.. .. .	.. .. .	£ 7661 15 10½	40233 0 6

## STATEMENT of the particulars of the Payments and Deductions, &amp;c—Continued.

Payments and Deductions made out of the Income in its Progress of Collection.	£	s.	d.	Amount Currency.	Total Currency.
<i>Brought forward</i> .....	£	s.	d.	7661 15 10½	40233 0 6
<i>Oakville Harbour.</i>					
Eighteen Months Salary of the Light House Keeper.....			112 10 0		
Repairs to the do.....			88 12 8½	201 2 8½	7862 18 7
Disbursements by A. A. Parent, Agent, Seignior of Lauzon, for Notarial Extracts.....					129 10 3
<b>DEDUCTIONS FROM CASUAL REVENUE.</b>					
<i>Secretary's Office, (East.)</i>					
Commission of five per cent. on the sum of £2042 8s.....			102 2 3		
Amount paid C. Montizambert.....			32 10 0		
Fees returned as Overcharges.....			12 19 0		
Trifling Disbursements.....			7 1 1½		
Agency on 45 Licenses at 5s.....			11 5 0		
William Bouthiller, Salary from 10th February to 31st March, 1841, being 50 days at £80 Currency, per annum.....			10 19 2		
George H. Lane, do do to do at £60 do.....			8 4 4½		
William Casey, do from do to 15th May, 1841, being 95 days at £50 do.....			13 0 3½		
Extra Allowance to permanent Clerk, from 1st to 30th April, 1841, at 7s. 6d. per diem.....			11 5 0		
John Defresne, for copying.....			4 19 6		
Balance of Fees on Land Patents still due by sundry Individuals to be hereafter accounted for.....			125 10 0	339 15 8½	
<i>Secretary's Office, (West.)</i>					
Commission of five per cent. on £497 2s. 6d.....				24 17 1½	
<i>Registrar's Office.</i>					
Loss on One Five Dollar Suspension Bridge Bank Note.....				1 5 0	
Total Deduction in progress of Collection.....					365 17 10
					43591 7 2
<b>PAYMENTS MADE BY THE RECEIVER GENERAL.</b>					
<i>Quebec.</i>					
Salaries of Two established Tide Waiters for the year 1842, at £45 Sterling, each.....			90 0 0	100 0 0	
<i>Montreal.</i>					
Cost of 25 Syke's Hydrometers for the use of the Customs.....			198 6 2	220 6 10	
<i>St. Johns.</i>					
Salary of the Collector to 31st December, 1842.....			360 0 0		
Allowance to do for a Clerk.....			180 0 0		
Do to do for rent of a Custom House.....			36 0 0		
Salary of the Gauger.....			90 0 0		
Do do Two Land Waiters at £63 each.....			126 0 0		
Do do One do at Lacole.....			13 10 0		
	£		805 10 0	895 0 0	
<i>Philipsburg.</i>					
Salary of the Deputy Collector.....			87 5 6		
Allowance to do for rent of a Custom House.....			28 6 7		
Salary of a Land Waiter.....			16 4 10		
	£		131 16 11	146 9 11	
<i>Coteau du Lac.</i>					
Salary of the Collector and Inspector of Merchandize for 1842.....			360 0 0		
Allowance to do for Rent of a Custom House.....			32 8 0		
Salary of the Comptroller.....			180 0 0		
Do of a Land Waiter.....			27 0 0		
Allowance to the Collector and Land Waiter for a Boat and hands.....			54 0 0		
	£		653 8 0	726 0 0	
<i>Stanstead.</i>					
Per Centage to the Collector on Collections in the Three Quarters ended the 10th October, 1842.....			67 10 0		
<i>Carried over</i> .....	£		67 10 0	2097 16 0	49591 7 2

## C.

## STATEMENT of the particulars of the Payments and Deductions, &amp;c.—Continued.

Payments and Deductions made out of the Income in its Progress of Collection.			Sterling.	Currency.	Total Currency.
	£	s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Brought over</i> .....			67 10 0	2087 16 9	48591 7 2
<i>Stanstead.</i>					
Allowance to the Collector for Rent of a Custom House for 1842..			22 10 0		
Salary of a Land Waiter for do.....			13 10 0		
			£ 103 10 0		
<i>Beauce.</i>				115 0 0	
Per Centage to the Collector on Collections from the 11th. October, 1840 to 5th July, 1842.....			35 13 1		
Allowance to do for Rent of a Custom House for the years 1841 and 1842, at £22 10s. per annum.....			45 0 0		
			80 13 1		
Return Duty at the Port of Kingston.....			2 13 10	89 12 4	
Commission to the late Collector of Port Hope.....			8 14 7	2 19 9½	
				9 14 0	
Salary of the Clerk of the Terrars of the Queen's Domain.....			90 0 0		
Commission to the Inspector General of the do.....			155 16 11		
Remission of an overpayment on <i>Lods et Ventés</i> .....			1 5 0		
			247 1 11		
Per Centage on the Amount paid the Receiver General on the Rents and Profits of the Seigniori of Lauzon.....			214 1 9	274 11 0	
				237 17 6	
Sir R. D. Jackson's share of Seizures as Administrator to 5th Ja- nuary, 1842.....			32 0 8		
His Excellency Sir Charles Bagot's share of do as Governor Gene- ral to 5th January, 1843.....			509 5 10		
			£ 541 6 6		
Remission of Fines.....			5 12 6	601 9 5	
				6 5 0	
					3425 5 9¼
Total Deductions from Revenue, Currency.....					£ 52016 12 11¾

## D.

## STATEMENT of Warrants issued on the Receiver General of the Province of Canada, on Account of the undermentioned Services, during the year 1842, for which an Appropriation is required.

NAMES.	SERVICE.	Amount.	Total Sterling.
		£ s. d.	£ d. s.
Robert Murray.....	Deputy Superintendent of Education, for Salary of a temporary Clerk, from the 14th June to the 30th September, 1842, at £157 10s. per annum.....		47 0 8
R. S. Jamieson.....	For Contingencies as Superintendent of Education, to 26th January, 1843.....		142 1 0
A. W. Cochrane.....	Commissioner of Gaspé Enquiry.....	90 0 0	
Do.....	Do Balance of Contingencies.....	11 5 2	
Do.....	Do Remuneration.....	112 10 0	
F. B. Dumoulin.....	Do do.....	112 10 0	
J. E. Turcotte.....	Translation of the Acts of last Session.....		326 5 2
T. A. Begley.....	To pay Inundation Commission Expenses.....		90 0 0
Major F. Richardson.....	Encouragement to Work on the War of 1812.....		71 2 0
J. Cremazic.....	Do Work on Criminal Law.....		225 0 0
			225 0 0
			£ 1126 8 10
	Equal in Currency to.....		£ 1251 12 0¼

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.F. HINCKS,  
Inspector General.







## F.

STATEMENT of Amount Expended by the Board of Works in the Province of Canada, under the authority of the Act of 4 & 5 Victoria, cap. 28, during the years 1841 and 1842.

NAME OF WORKS.		Currency.	
		£	s. d.
Saint Lawrence Improvements	Expended in 1842.....	..	..
Welland Canal	do do .....	89155	3 11
Lake Saint Peter	do 1841.....	377	10 0
Do do	do 1842.....	11028	6 9
Gosford Road	do do .....	11405	16 9
Bay de Chaleurs Road	do do .....	8027	15 9
Cascades Road	do do .....	4606	9 8
Bridges between Montreal and Quebec	do 1841.....	79	16 2
Do do	do 1842.....	2136	0 3
Military Road L'Original	do 1841.....	66	11 4
Do do	do 1842.....	1467	7 1
Newcastle District Improvements	do do .....	1533	18 5
Light Houses, Harbours and Roads leading thereto	do do .....	9366	0 3
Hamilton and Port Dover Road	do do .....	10189	5 1
London and Sarnia Road	do do .....	2613	0 7
London and Branford Road	do do .....	5206	13 9
London and Sandwich Road	do do .....	1365	3 4
London, Chatham and Amherstburg Road	do 1841.....	167	14 10
Main North Toronto Road	do 1842.....	573	12 8
River Ottawa	do do .....	100	0 0
Burlington Bay Canal	do do .....	43	8 1
Lachine Canal	do do .....	1403	11 7
		108	13 4
Total Expended on Public Works, Currency.....		..	..
		£	186137 11 8

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

## G.

STATEMENT of Amount Expended by the Board of Works in the Province of Canada, without the authority of Parliament, and for which an appropriation is required.

NAME OF WORKS.		Currency.	
		£	s. d.
Toronto and Saugine Road	Expended in 1842.....	..	..
Tecumseh Road	do 1841.....	436	8 6
Do do	do 1842.....	300	0 0
		707	3 3
Paris Bridge	do 1841.....	1007	3 3
Do do	do 1842.....	75	0 0
		238	16 9
River DeLisle Bridge	do 1841.....	313	16 9
Gananoque Bridge	do 1842.....	113	8 1
Bayonne Bridge	do do .....	997	19 7
Rouge Hill Road	do do .....	986	15 2
Presque Isle Light House	do do .....	97	0 10
Gull Island Light House	do do .....	24	7 7
Queenston and Grimsby Road	do do .....	522	19 4
Chambly Canal	do do .....	2613	16 0
Cape Rouge Bridge	do do .....	7812	2 6
		17	19 8
Total Expended for Public Works during the years 1841-42, and unprovided Currency.....		..	..
		£	14943 17 3

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

# H. No. 1.

**STATEMENT of Monies collected under Provincial Acts, 45 Geo. 3. cap. 12—51 Geo. 3. cap. 2, and 4 and 5 Victoria, cap. 15, and of the Expenses incurred in supporting and improving the Navigation of the River St. Lawrence under the Trinity House of Quebec, for the year 1842.**

	Currency.		Currency.	
	£	s. d.	£	s. d.
To this Sum paid E. B. Lindsey, Treasurer and Registrar of the Trinity Board, Quebec, at sundry times.....	3798	15 8		
By Balance unexpended from last year's Statement.....			2215	16 9½
Duties under the 45 and 51 Geo. 3 and 4 and 5 Victoria, cap. 15.				
By Amount collected by the Naval Officer in the Quarter ended, the 5th July, 1842.....			£924	2 4
Less.—Commission of 2½ per cent.....			16	11 2
By Balance due the Provincial Government.....			907	11 2
			675	7 8
Total.....	£		3798	15 8

675 7 8

To Balance due by the Treasurer to the Provincial Chest.....

**N. B.—All Monies collected by the Naval Officer since the 18th September, 1841, and applicable to the Quebec Trinity House, are now payable by that Officer to the Treasurer of the Board as directed by the Act 4 & 5 Victoria, cap. c. 15, Section 12.**

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.  
  
F. HINCKS,  
Inspector General.



# H. No. 2.

STATEMENT of Monies collected under Provincial Acts, 45 Geo. 3. cap. 12—51 Geo. 3. cap. 2—2 Geo. 4. cap. 7, and 4 & 5 Vic. cap. 59, and for Expenses in supporting and improving the Navigation of the River St. Lawrence from the Basin of Portneuf in the District of Quebec, to the Division Line between the late Provinces of Lower and Upper Canada, for the year ended 5th January, 1843, under the Trinity Board at Montreal.

	Sterling.			Currency		
	£	s.	d.	£	s.	d.
To this sum short charges in last year's Statement, caused in bringing forward the Balance over, expended in 1840.....		100	0	645	10	0
Do do paid H. Guy, late Registrar and Treasurer, Trinity House at Montreal.....	31	0	9			
Do do paid E. Macgauran late do. do.....	59	5	2			
Currency.....	90	5	11	736	12	6
Robert Armour Twelve Months Salary as Master to the 31st December, 1842.....		51	5	18	8	3
E. Macgauran do do as Registrar and Treasurer.....	112	10	0			
E. Armstrong do do as Harbour Master.....	112	10	0			
J. N. Ogilvey do do as Water Bailiff.....	135	0	0			
E. Macgauran, on Account of the Contingencies of the Board.....	67	10	0			
	1080	0	0			
			1507			718
			1688			4
			187			3
Add $\frac{1}{2}$ .....			1876			8
Total Currency.....			8			6
			1876			8
			6			6

To Balance unexpended carried to next year..... £327 14 3

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.  
F. HINCKS,  
Inspector General.

**H. No. 3.**

1843.

1843.

STATEMENT of Tonnage Duties collected during the Season of the Navigation of the year 1842, at Quebec and Montreal, under Provincial Act, 6 Will. 4. cap. 35, continued by the Ordinance 3 Vic. cap. 15, and of the sums paid thereout to provide for the Medical Treatment of Sick Mariners.

**QUEBEC.**

RECEIPTS.	Currency.	EXPENDITURE.	Currency.
	£ s. d.		£ s. d.
By Balance brought from the year 1841.....	616 2 0	To paid Joseph Morrin Treasurer and one of the Commissioners for the Marine Hospital at Quebec.....	1050 0 0
By Amount of Tonnage Duty levied at Quebec during the season of 1842..£1211 14 5		To Balance carried to next Account.....	117 4 10
Less—Expenses of Collection at 5 per cent .....	60 11 7		
	1151 2 10		
Total Currency.....£	1767 4 10	Total Currency.....£	1767 4 10

**MONTREAL.**

RECEIPTS.	Currency.	EXPENDITURE.	Currency.
	£ s. d.		£ s. d.
By Amount of Tonnage Duty levied at Montreal during the season of 1842.....	108 7 11	To Amount carried to next Account.....	108 7 11

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

**H. No. 4.**

STATEMENT of the Funds arising from the Estates of the late Order of Jesuits, for the year 1842.

	£ s. d.	Sterling.
Balance in the Receiver General's hands as per last year's Statement.....		£ s. d. 21140 16 2
By Amount paid the Receiver General during the year.....	3083 8 0	
Do do by the Prothonotaries of Quebec, collocation to Her Majesty by Judgment in the case Stephenson Expatrié.....	12 5 7	
Currency.....£	3095 13 7	
Off th.....	309 11 4	
		2786 2 3
Balance in the hands of the Receiver, Sterling.....	.. . . £	23926 18 5

INSPECTOR GENERAL'S OFFICE,  
Kingston 1843.

F. HINCKS,  
Inspector General.

Appendix  
(A.)  
1843.

Appendix  
(A.)  
1843.

**H. No. 5.**

**DISTRIBUTIVE SCHOOL LAND FUND, I.**

**STATEMENT of Monies arising from the Sale of School Lands in that part of the Province heretofore called Upper Canada, pursuant to Provincial Act 4 & 5 Vic. cap. 19, and payments therefrom, during the year ending the 31st December, 1842.**

RECEIPTS.		EXPENDITURE.		Sterling.		Currency.	
£	s. d.	£	s. d.	£	s. d.	£	s. d.
To Cash in the Receiver General's hands on the 31st December, 1841.....		By Amount of Principal Monies transferred from this Fund to Special Grammar School Fund I. to be invested in Government Debentures, pursuant to the above-cited Act.....		2035	5	2055	5
Do do received from Dr. Eoyes, Bursar King's College, on account of Interest on £15,359 Currency, invested in Government Debentures.....	685 11 3	John Harper, Builder, being the Amount of his claim for repairs to the Home District Grammar School House, as recommended by Report of Council of the 12th May, 1842.....	83 13 4				
Do do credited by the Receiver General on account of the same, up to 31st December, 1842.....	911 10 6	Rev. Henry Grasett, Acting Chairman of the Home District Grammar School, to enable him to pay the Assistant Teacher of that School, from 1st July, 1841 to 31st December, 1842, at £50 Currency, per annum, as recommended by do of 29th December, 1842.....	67 10 0				
		James Racey, Chairman of the Gore District Grammar School, to pay do from the do to do at do as do.....	67 10 0				
		Rev. Benj. Cronyn, to pay the Trustees of the London do of a do for the year 1842, as do.....	45 0 0				
		Total Sterling.....	263 13 4			292	19 3
		By Balance unapplied.....				1301	2 6
Total Currency.....	£ 3652 7 4 1/2	Total Currency.....	£ 3652 7 4 1/2			3652	7 4 1/2

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

Total Currency.....£3652 7 4 1/2

Appendix  
(A.)  
1843.

Appendix  
(A.)  
1843.

**H. No. 6.**

**STATEMENT** of Monies received from the rate or duty imposed by the Provincial Act of Canada, 4 & 5 Vic. cap. 13, on Passengers or Emigrants arriving at the Port of Quebec and Montreal, including a sum received from the Imperial Treasury, through the Commissary General, and the amount paid thereout for providing Medical Assistance for Sick Emigrants, and enabling Indigent Persons of that description to proceed to the place of their destination, during the season of the Navigation of the year 1842.

RECEIPTS.	Currency.			EXPENDITURE.	Sterling.		
	£	s.	d.		£	s.	d.
By Amount received by the Collector at Quebec, during the Season of the Navigation of 1842.....	8274	2	6	To Balance expended over and above the appropriations for the year 1841, as per detailed Statement hereunto annexed, marked A.....	2423	9	7
Do do at Montreal.....	325	13	4	A. C. Buchanan, Chief Agent, on account of General Disbursements for Emigration in the Province of Canada, during the Season of 1842.....	12388	2	9
Do do paid by the Commissary General into the Provincial Chest on account of the Salaries and Contingencies of the Chief and Sub-Agents for Emigration in Canada for the year.....				Joseph Parent, Inspecting Physician, Quebec, excess of Quarantine Expenses incurred at Quebec and Grosse Isle, over and above the sum included in the estimate of 1842, for that service.....	554	6	3
Do Amount expended over and above the Receipts of the year.....				Add ½th.....	15365	18	7
Total Currency.....				Total Currency.....	17073	5	1

N. B.—The Commissary General has since the closing of this Account paid into the Provincial Chest the sum of £6500 Sterling, or in Currency, at 2s. 4d. to the pound, equal to £7903 6s. 8d. applicable to the above Balance.  
There is a further Balance due to the Military Chest of £773 0s. 2d. cy. not included in the above, but payable out of it.

By Balance brought down.....£6819 15s. 6d.

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1842.

F. HINCKS,  
Inspector General.

## A.

DETAILED STATEMENT of the Disbursements incurred on account of Emigration during the year 1841.

	Sterling.	
	£ s. d.	£ s. d.
A. C. Buchanan, Chief Agent, Quebec, on account of the Expenses of Emigration during the year 1841.....	.. .. .	389 1 7
J. Allison, Agent, Montreal, do do do .....	.. .. .	2240 12 7
A. B. Hawke, Agent, Kingston, do do do .....	.. .. .	3765 0 5
Dr. C. G. O'Doherty, Salary and Contingencies as Emigrant Physician at Montreal, from the 15th November, 1840 to 30th November, 1841.....	.. .. .	128 15 0
Total Expenditure for 1841.....	.. .. . £	6523 9 7
<i>Less.</i> —The undermentioned Grants for that Service included in the Accounts for 1841.		
Salary of the Emigrant Agent at Montreal, included in the Estimate voted for 1841, as per Ordinance 4 Vic. cap. 9.....	100 0 0	
Contingent Expenses of the same.....	500 0 0	
Grant for do for Emigration generally per Act 4 & 5 Vic. cap. 50.....	3500 0 0	
		4100 0 0
Excess of Expenditure in 1841, carried to 1842.....	.. .. . £	2423 9 7

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

## I.

STATEMENT shewing the proportion of the Sums of £45,000 and £30,000 Sterling, being the amounts respectively of Schedule A. and B. in the Union Act, and of the sums paid thereon for Services from the 10th February to the 31st December, 1841.

	Sterling.		Total Sterling.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Proportion of Schedule A. from the 10th February to the 31st Decembes, 1841.....	.. .. .	.. .. .	40068 9 6	
<i>Less.</i> —The following Items not paid, viz :				
Salary of the Lieutenant Governor.....	800 8 4			
Salary of the Chief Justice of Montreal.....	979 9 2			
			1869 17 6	
Amount paid on Account of the same as per Statement No. 12, of 1841.....	.. .. .	.. .. .	38198 12 0	
			40839 13 3	
Leaves an excess of.....	.. .. .	.. .. .	2641 1 3	
Proportion of Schedule B. from the 10th February to 31st December, 1841 .....	26712 6 9			
Amount paid on Account of the same as per Statement No. 13 of 1841.....	25252 16 11			
Leaves a surplus of.....	.. .. .	.. .. .	1459 9 10	
Which deducted from the Excess in Schedule A.				
Leaves an excess of Expenditure to be provided for in both Schedules, of Sterling.....	.. .. . £	.. .. .	1181 11 5	
Equal in Currency to.....	.. .. . £	.. .. .	1312 17 1½	

INSPECTOR GENERAL'S OFFICE,  
Kingston, 1843.

F. HINCKS,  
Inspector General.

SCHEDULE of the Notifications made to the Speaker of the Legislative Assembly, of vacancies in the Representation, and of the Resignations of Members, during the recess of Parliament, to wit, between the 12th October, 1842, and the 28th September, 1843.

- No. 1.—Notification of the acceptance of an office of profit under the Crown, by Etienne Parent, Esquire, dated 19th October, 1842.
- No. 2.—Resignation of Michel Borne, Esquire, dated 15th December, 1842.
- No. 3.—Resignation of Isaac Buchanan, Esquire, dated 2d January, 1843.
- No. 4.—Notification of the acceptance of a seat in the Legislative Council, by René J. Kimber, Esquire, dated August, 1843.
- No. 5.—Resignation of David Burnet, Esquire, dated 26th August, 1843.
- No. 6.—Notification of the acceptance of a seat in the Legislative Council, by the Honorable William Henry Draper, dated 14th August, 1843.
- No. 7.—Notification of the acceptance of an office of profit under the Crown, by Alexandre Maurice Delisle, Esquire, dated 21st August, 1843.
- No. 8.—Resignation of William Walker, Esquire, dated 26th August, 1843.
- No. 9.—Resignation of John Yule, Esquire, dated 22d September, 1843.

## No. 1.

Notification of the acceptance of an office of profit under the Crown, by Etienne Parent, Esquire, Member for the County of Saguenay, 19th October, 1842.

(Translation.)

Province of Canada,  
Montreal, 19th October, 1842.

To the Honorable Austin Cuvillier, Speaker of the Legislative Assembly of the Province of Canada.

Sir,

We, the undersigned, James Leslie, Member of the said Assembly for the County of Verchères, and René Joseph Kimber, Member of the said Assembly for the County of Champlain, hereby give you notice under our hands and seals, that Etienne Parent, Esquire, who was chosen and returned as the Member or Representative for the County of Saguenay, in the said Assembly, has since accepted an office of profit from the Crown, to wit, that of Clerk of the Executive Council of this Province, to which office he was appointed by His Excellency Sir Charles Bagot, the Governor-General, on the 14th day of October instant, as appears by "The Canada Gazette," published by authority at Kingston, and bearing date the 15th day of the said month of October, No. 55; and that the said Etienne Parent having thus accepted the said office of profit from the Crown, his Election as Member of the said Assembly became void, and his seat vacant from that time. This notice is by us given to you, in order that you may, according to law, give notice by your Warrant under your hand and seal, to the Clerk of the Crown in Chancery, of the said vacancy, so that a new writ may forthwith issue for the Election of a Member of the said Assembly to fill the said vacancy.

J. LESLIE, (L. S.)  
R. J. KIMBER, (L. S.)

## No. 2.

Resignation of Michel Borne, Esquire, Member for the County of Rimouski, 15th December, 1842.

(Translation.)

Before the undersigned Notaries Public for that part of the Province of Canada called Lower Canada,

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resident at Quebec, personally appeared Michel Borne, Esquire, the Representative of the County of Rimouski, in the Legislative Assembly of the said Province, who hath declared to us that he wishes to abstain from the performance of the duties imposed on him by his Election as Representative for the County of Rimouski aforesaid, that he withdraws from the exercise of his functions as such, and resigns from this day his seat in the said Assembly, as he is entitled to do by virtue of the Act of the Parliament of the late Province of Lower Canada, passed in the first year of the Reign of His Majesty William the Fourth, chapter forty-two, and intituled, "An Act to allow Members of the House of Assembly to vacate their seats in certain cases, and for other purposes."

Thus done and passed at Quebec, in the office of Edouard Glackemeyer, one of the undersigned Notaries, the fifteenth day of the month of December, in the year one thousand eight hundred and forty-two; and the said Michel Borne hath signed these presents with us the said Notaries, the same being first duly read.

(Signed) M. BORNE.  
Ls. PREVOST, N. P.  
ED. GLACKEMEYER, N. P.

True copy of the original remaining of record in my office.

ED. GLACKEMEYER, N. P.

## No. 3.

Resignation of Isaac Buchanan, Esquire, Member for the City of Toronto, 2d January, 1843.

Know all men by these presents that I, Isaac Buchanan, of the City of Toronto, in Canada, Merchant, at present residing in Glasgow, Scotland, am desirous to resign my seat in the Commons House of Assembly of the Province of Canada, as one of the Representatives of the City of Toronto: and with the view of relinquishing the said Representation, I, the said Isaac Buchanan, do hereby make the aforesaid declaration, to be transmitted to the Honorable the Speaker of the said Commons House of Assembly as the law directs, in order that it may be entered on the Journals of the said House, and that a Warrant may be issued for a new Election of another Member to serve in my room as Representative for the said City of Toronto.

Witness

Witness my hand and seal, this second day of  
 Appendix (B.) January, eighteen hundred and forty-three years, in  
 presence of John Watkins and Nicol Tweedie, Esquires,  
 Notaries Public.

28th Sept.

Ic. BUCHANAN, (L. S.)

JOHN WATKINS, of the City of Glasgow, Not. Public.  
 NICOL TWEEDIE, of the City of Glasgow, Not. Public.

No. 4.

Notification of the acceptance of a seat in the Legis-  
 lative Council, by René Joseph Kimber, Esquire,  
 Member for the County of Champlain, August,  
 1843.

(Translation.)

Montreal, August, 1843.

To the Honorable A. Cuvillier, Speaker of the House  
 of Assembly.

Sir,

I have the honor to inform you that I have  
 accepted a seat in the Legislative Council of this  
 Province, and that my seat in the House of Assembly  
 hath thereby become vacant.

I have the honor to be, &amp;c.

R. J. KIMBER.

No. 5.

Resignation of David Burnet, Esquire, Member for  
 the City of Quebec, 26th August, 1843.

On this twenty-sixth day of the month of August,  
 in the year of our Lord one thousand eight hundred  
 and forty-three, before us, the undersigned Public  
 Notaries, duly commissioned and sworn, in and for  
 that part of the Province of Canada called Lower  
 Canada, residing at the City of Quebec, in the said  
 Province, personally came and appeared David Burn-  
 net, Esquire, of the City of Quebec, Merchant, and a  
 Member of the Legislative Assembly of this Province,  
 who declared unto us that he is desirous of abstaining  
 from the duties imposed upon him by his Election as  
 one of the Representatives of the City of Quebec,  
 that he resigns from this day his seat in the said Leg-  
 islative Assembly of this Province.

Done and passed at the said City of Quebec, in  
 the office of Edward Glackemeyer, one of the under-  
 signed Notaries, the day, month, and year first above  
 written, and signed by the said David Burnet after  
 the reading of these presents.

(Signed.) D. BURNET.  
 Ls. PREVOST, N. P.  
 ED. GLACKEMEYER, N. P.

True copy of the original remaining of record in  
 my office.

ED. GLACKEMEYER, N. P.

No. 6.

Notification of the acceptance of a seat in the Legis-  
 lative Council, by the Honorable William Henry  
 Draper, Member for the County of Russell, 14th  
 August, 1843.

We, whose names are underwritten, being two  
 Members of the Legislative Assembly of the Province

of Canada, do hereby certify that the Honorable  
 Appendix (B.) William Henry Draper, late a Member of the said  
 Legislative Assembly, serving as one of the Knights  
 for the County of Russell, is become a Member of the  
 Legislative Council of this Province, and that a Writ  
 of Summons hath been issued under the Great Seal  
 of this Province, to summon him to Parliament; and  
 we give you this notice to the intent that you may  
 issue your Warrant to the Clerk of the Crown in Chan-  
 cery, to make out a new Writ for the Election of a  
 Knight to serve in Parliament for the said County of  
 Russell, in room of the said Honorable William Henry  
 Draper.

28th Sept.

Given under our hands this 14th day of August,  
 1843.

A. BERTHELOT, M. P. P.  
 H. BLACK, M. P. P.

To the Speaker of the  
 Legislative Assembly of Canada.

No. 7.

Notification of the acceptance of an office of profit  
 under the Crown, by Alexandre Maurice Delisle,  
 Esquire, Member for the County of Montreal,  
 21st August, 1843.

(Translation.)

Province of Canada,  
 Montreal, 21st August, 1843.

To the Honorable Austin Cuvillier, Speaker of the  
 Legislative Assembly of the Province of Canada.

Sir,

We, the undersigned, Louis Michel Viger, Mem-  
 ber of the said Assembly for the County of Nicolet,  
 and Joseph Guillaume Barthe, Member of the said  
 Assembly for the County of Yamaska, hereby give  
 you notice under our hands and seals, that Alexandre  
 Maurice Delisle, Esquire, who was chosen and re-  
 turned as Member of the said Assembly for the County  
 of Montreal, has since accepted an office of profit, to-  
 wit, the office of Clerk of the Peace for the District  
 of Montreal, in the said Province, to which office he  
 was appointed by His Excellency Sir Charles Met-  
 calfe, Governor-General, on the thirteenth day of July  
 last, as appears by "The Canada Gazette," published  
 by authority at Kingston, bearing date the fifteenth  
 day of the said month of July, No. 94; and that the  
 said Alexandre Maurice Delisle having accepted the  
 said office of profit from the Crown, his seat as a Mem-  
 ber of the said Assembly became from that time, and  
 still is vacant. We give you this notice in order that,  
 according to law, you may give notice of the said  
 vacancy, by your Warrant under your hand and seal,  
 to be addressed to the Clerk of the Crown in Chancery,  
 so that a new Writ may forthwith issue for the Elec-  
 tion of a Member of the said Assembly to fill the  
 vacancy aforesaid.

We have the honor to be,

Sir,

Your most obedient servants,

(L. S.) L. M. VIGER,  
 Member for the County of Nicolet.

(L. S.) J. G. BARTHE,  
 M. P. P. for Yamaska.

No. 8

No. 8.

Appendix  
(B.)  
28th Sept.

Resignation of William Walker, Esquire, Member for the County of Rouville, 26th August, 1843.

On this day, the twenty-sixth of August, in the year of our Lord one thousand eight hundred and forty-three, before us, the undersigned, Public Notaries, duly commissioned and sworn, in and for that part of the Province of Canada heretofore called Lower Canada, dwelling in the City of Montreal, in the District of Montreal, in the said Province, personally appeared William Walker, of the said City of Montreal, Esquire, one of the Members of the Parliament of the said Province of Canada, representing the County of Rouville, in the said District of Montreal, who, in virtue of the powers given to him and to all other Members, by Act of the first Session of the fourteenth Parliament of the said late Province of Lower Canada, being the 1st Wm. IV. cap. 42, intitled, "An Act to allow Members of the House of Assembly to vacate their seats in certain cases, and for other purposes," hath by these presents voluntarily resigned, and in fact doth resign from this day forward the seat which he holds in the present Parliament of Canada, as Representative of the said County of Rouville, act of all which being required of us, the said Notaries, we have granted these presents to serve and avail as occasion shall or may require, and as of right may appertain. Done and passed at the City of Montreal aforesaid, the day and year first above written, the said William Walker having hereunto set his name with and in the presence of us Notaries, these presents being first duly read according to law.

Signed, on the original Minute of Resignation, "William Walker," "Henry Lappare, N. P.," and "W. N. Crawford, N. P.," as appears by the same filed of record in my office.

W. N. CRAWFORD, N. P.

No. 9.

Appendix  
(B.)  
28th Sept.

Resignation of John Yule, Esquire, Member for the County of Chambly, 22d September, 1843.

On this day, the twenty-second of September, in the year of our Lord one thousand eight hundred and forty-three, before us, the undersigned Public Notaries, duly commissioned and sworn, in and for that part of the Province of Canada heretofore called Lower Canada, dwelling in the City of Montreal, in the District of Montreal, in the said Province, personally appeared John Yule, Esquire, residing at Chambly, in the said Province, one of the Members of the Parliament of the said Province of Canada, representing the County of Chambly, in the said District of Montreal, who, in virtue of the powers given to him and to all other Members, by Act of the first Session of the fourteenth Parliament of the said late Province of Lower Canada, being the 1st Wm. IV. cap. 42, intitled, "An Act to allow Members of the House of Assembly to vacate their seats in certain cases, and for other purposes," hath by these presents voluntarily resigned, and in fact doth resign from this day forward the seat which he holds in the present Parliament of Canada, as Representative of the said County of Chambly, act of all which being required of us, the said Notaries, we have granted these presents to serve and avail as occasion shall or may require, and as of right may appertain. Done and passed at the City of Montreal aforesaid, the day and year first above written, the said John Yule having hereunto set his name with and in the presence of us Notaries, these presents being first duly read according to law.

Signed on the original act of Resignation, "John Yule," "Henry Lappare, N. P.," and "W. N. Crawford, N. P.," as appears by the same filed of record in my office.

W. N. CRAWFORD, N. P.

## REPORT OF THE LIBRARIAN ON THE STATE OF THE LIBRARY Of the Legislative Assembly of the Province of Canada.

Library, Legislative Assembly,  
Kingston, 28th September, 1843.

Appendix  
(C.)  
29th Sept.

The total number of books in the Library at this date, inclusive of those received from the authors of works published, and of those purchased, is 7009.

The sale of the Library of the late John Fleming, Esquire, of Montreal, took place in the months of February and March last, and it having been considered a favorable opportunity to obtain some scarce works relating to the history of Canada and America, and of general literature, which could not be procured elsewhere, selections were made from the catalogue of the above valuable collection, which, being submitted to the Honorable the Speaker, and approved of by him, the works so selected were purchased for the Library of this Honorable House. For a list of the titles of the same, see Appendix A.

The splendid and valuable work on American Ornithology, by the celebrated naturalist, Audubon, purchased by a special direction of the Legislative Assembly during its last Session, has been received, and proper stands and cases made for its use and preservation.

It is to be regretted that the annual importation of books from England, comprising continuations of the Statutes and Journals of the Imperial Parliament,

and other works, has not taken place. The requisite Appendix  
(C.)  
29th Sept.

lists for the same were sent home shortly after the prorogation of the Legislature, and in ample time to have secured the arrival of the books by the first spring vessels. Subsequent letters have also been written to the agent in London, calling his attention to the previous communication; but, from some unexplained cause, they have not been answered, nor have any of the volumes ordered been received.

During the Parliamentary recess some works have been added to the collection, by donation from their authors, or by presentation under the provisions of the Copy-right Act; for a list of which see Appendix B.

The Librarian has also received, from David Thorburn, Esquire, M. P. P., a copy of the Journals of the House of Assembly of the late Province of Upper Canada, for the year 1821, which that gentleman received from B. H. Foley, Esquire, of Niagara, for presentation to your Honorable House. This volume will prove a great acquisition, as there is no copy of the Journals of the year 1821 to be found among the records of that Legislature which are deposited in the Library.

All which is respectfully submitted.

WILLIAM WINDER,  
Librarian, Legislative Assembly.

Appendix A.



Appendix A.

Appendix (C.)

29th Sept.

LIST OF BOOKS purchased at the sale of the "Fleming Library," at Montreal, and added to the collection belonging to the Legislative Assembly.

	No of Vols.
Sidney, on Government	1
Tucker, on Government	1
Coke, upon Littleton	3
Erskine's Speeches	2
Sullivan's Lectures on English Law	1
Blackstone's Law Tracts	1
Stockdale's Trial for libel on House of Commons	1
Abridgment of Laws of the Plantations	1
Report of Reinhard's and McLellan's Trial	1
Lord Selkirk's Settlement	2
Maritime Law of Europe	2
Butler's Notes on Grecian, Roman, &c., Law	1
Reminiscences	1
Pamphlets, French and English	1
Canadian Pamphlets	2
Freeholder	4
Political Pamphlets	1
Spark's Life of Gouverneur Morris	3
Defence of the Colonies	1
Anderson, on the Colonies	1
Cobbett's Porcupine	13
Baucher, Histoire de l'Usure	1
Jacobs, on the Precious Metals	1
History of European and American Banks	1
Chalmer's Economy of large Towns	1
O'Callaghan, on Usury	1
Watt's Logic	1
Crocker's Land Surveying	1
Documents on the New York Canals	1
Sinclair, on Agriculture	2
Farmer's Magazine	26
British Military Library	2
Warton's History of English Poetry	4
D'Israeli's works	6
Lenglet du Fresnoy, Methode pour étudier l'Histoire	5
Kelham's Norman Dictionary	1
D'Herbelot, Bibliothèque Orientale	1
Hearne's English Chronicles	4
Beaton's Political Register	3
Woodfall's Debates in both Houses	17
Mariana, De Rebus Hispanæ	4
Sismondi, Républiques Italiennes	16
The Turkish Spy	8
Vertot, Chevaliers de Malthe	8
Granger's Biographical History of England	4
Public Characters of the years from 1798 to 1810	10
British Plutarch	6
Reliquiæ Wottonianæ	1
Strype's Life of Archbishop Parker	1
Memoirs of the Margravine of Bareith	2
Walker's Selections from Gentleman's Magazine	4
British Critic, for 1803-4	4
The Harleian Miscellany	12
Walton and Cotton's Angler	1
Franklin's works	3
Works of Nicolas Machiavel	1
Horne's Study of Bibliography	2
Bryde's British Bibliographer	4
Pitt's Speeches	3
Tillemont, Mémoires pour servir à l'histoire Ecclésiastique des six premiers Siècles	15
Fleury, Histoire Ecclésiastique	25
Bayle's Dictionary, (French copy)	4
Murray's History of America	2

No. of Vols.

Appendix (C.)

29th Sept.

Thomson's Account of the late War	1
Anburey's Travels in America	2
War with America, (odd)	1
Harris' Journal	1
La Découverte des sources du Mississippi	1
Caustic's Democracy Unveiled	1
Williams' History of Vermont	2
La Belle Americaine, (odd)	2
Bertram's Travels	1
Belknap's History of New Hampshire	3
Smyth's Tour in Canada	2
History of Buccaneers of America	1
Howison's Upper Canada	1
Hodgson's Letters from North America	1
Kalm's Travels	3
Foster's Northern Discoveries	1
Ceuvres de Las Casas	2
View of Society in America	1
Egede's Greenland	1
Hubbard's Indian Wars	1
Traité des Bibliothèques de l'Europe	1
Bossu's Travels	2
Henry's Travels	1
Warner's Life of Sir Thomas More	1
Hardie's American Biographical Dictionary	4
Allen's History of Vermont	1
Voyage dans la Haute Pensylvanie	3
Ellicot's Journals	1
Voyages and Discoveries of Spanish and Portuguese	1
Kendall's Travels	3
State of Nova Scotia	1
Horn, de Originibus Americanis	1
Dictionnaire des Anonymes et Pseudonymes	4
Rocheaucault, Voyage dans les Etats-Unis	8
Collections of New York Historical Society, (odd)	1
Pamphlets on America	1
Notes on N. A. Boundary Line	1
Brackenridge's Louisiana	1
Ogden's Tour in Canada	1
Dictionnaire Bibliographique	4
Ephémérides, Politiques, Littéraires, &c.	12
Trumbull's History of Connecticut, (odd)	1
Total number of volumes	346

Appendix B.

LIST OF OTHER WORKS added to the Library since last Session.

Audubon's American Ornithology	10
Penny Magazine	11
Richardson's Campaign of 1812	1
Liston's Niagara Falls, a Poem	1
Correspondence respecting Subscriptions from Indian Tribes for re-erecting Brock's Monument—presented by Lieut. Col. Bullock	1
Crémazie, Loix Criminelles du Bas-Canada—presented by the author, (five copies)	1
Keele's Provincial Justice, (two copies)	1
Glory and Fame of England Vindicated	1
Aiken's Dictionary of Chemistry and Mineralogy, (procured in exchange for a duplicate copy of another work)	2
Total	29
Total number	375

Appendix (D.)

GENERAL STATEMENT and RETURN of Baptisms, Marriages and Burials, performed in the District of Quebec, in the year 1842.

Appendix (D.)

29th Sept.

29th Sept.

COUNTIES.	PARISHES.	Baptisms.		Marriages.	Burials.		Augmentation of the Population of the Parishes.	Total of the augmentation of the population of the Counties.	REMARKS.					
		Males.	Females.		Males.	Females.								
Portneuf.	Les Grondines.....	29	31	16	14	8	38							
	Deschambault.....	55	55	22	22	18	70							
	Cap Santé.....	64	66	18	30	24	76							
	Ecurcuis.....	6	10	5	3	8	5							
	Pointe aux Trembles.....	42	34	6	22	15	39							
	St. Augustin.....	40	28	13	24	12	32							
	Ste. Catherine.....	50	60	14	21	18	80							
							349							
Quebec.	Sto. Foy.....	25	30	11	10	16	29							
	Ancienne Lorette.....	42	31	17	23	22	28							
	St. Ambroise.....	48	54	24	20	20	62							
	Charlesbourg.....	26	30	14	23	27	6							
	Beauport.....	48	50	25	42	37	28							
	Notre Dame de Quebec.....	484	478	194	298	280	384							
	St. Roch.....	359	328	106	296	197	194							
	Hôtel Dieu.....				14	18			Deficit 32.					
	Hopital Général.....	1			2	7			Do. 8.					
	English Church.....	63	57	41	38	50	32							
	Scotch Church.....	42	45	37	25	28	34							
	Wesleyans.....	27	29	11	9	9	38							
	Garrison.....	32	23	16	34	17	4							
St. John's Scotch Church.....	23	23	24	10	4	32								
St. Paul's, or the Mariners' Chapel.....	31	20	11	19	20	12								
St. Peter's Chapel.....	10	12	5	28	13			Deficit 19.						
Congregationists.....	3	3	4	2	2	2								
							885							
Montmorency.	Ange Gardien.....	9	10	8	11	7	1							
	Chateau Richer.....	22	16	10	15	13	10							
	Ste. Anne.....	22	16	13	11	10	17							
	St. Féreol.....	8	8	4	7	3	6							
	St. Joachim.....	17	16	10	13	11	9							
							43							
Saguenay.	Petite Rivière, St. François Xavier.....	8	9	8	13	3	1							
	Baie St. Paul.....	71	74	37	27	29	80							
	Ste. Agnès.....	25	27	2	4	6	42							
	St. Urbain.....	17	16	7	8	7	18							
	Eboulements.....	46	47	26	28	19	46							
	Isle aux Coudres.....	15	11	6	8	3	15							
Malbaie.....	102	87	41	31	18	140								
							351							
Orleans.	St. Pierre.....	12	11	2	9	11	3							
	Ste. Famille.....	23	22	11	12	9	24							
	St. François.....													
	St. Jean.....	28	20	15	14	15	28							
	St. Laurent.....	16	14	8	7	7	16							
							71							
Townships.	Stoneham, &c.....	12	24	5	1		35							
	Lake Beauport.....	4	8	1	3	3	6							
	Catholics, } Grosse Isle.....	6	6		15	15			Deficit 18.					
	Protestants, }	9	5	3	26	14			Do. 26.					
	Frampton and Standon.....								No return.					
	Leeds.....	26	24	15	5	4	41							
	Do. Presbyterian Congregation.....								No return.					
	St. Giles, Missions.....	6	27	3	1	1	31							
	Township of Ireland (English).....	9	12	5	2	3	16							
Propagation of the Gospel.....								No return.						
Township of Ireland (Methodist).....	16	17	6			33								
							162							
Carried over.....							2088	2051	880	1300	1081	1861	1861	Deficit 103.

Appendix (D.) 29th Sept.	COUNTIES.	PARISHES.	Baptisms.			Burials.		Augmentation of the Population of the Parishes.	Total of the augmentation of the population of the Counties.	REMARKS.	Appendix (D.) 29th Sept.			
			Males.	Females.	Marriages.	Males.	Females.							
Loibinière.	}	Brought over.....	2088	2051	880	1300	1081	1861	1861	Deficit 103.				
		St. Jean Deschaillons.....	32	32	8	20	12	32						
		Lotbinière.....	66	81	24	46	51	50						
		Ste. Croix.....	58	57	21	22	27	66						
		St. Antoine.....	79	62	17	28	31	82						
		St. Gilles.....	1	7	.....	.....	1	7						
Dorchester.	}	St. Silvestre.....	127	96	33	25	14	184	421					
		St. Nicolas.....	65	71	25	20	20	96						
		Pointe Levy.....	125	102	41	58	52	117						
		Aubigny.....	7	3	3	3	.....	7						
		St. Henry.....	77	66	25	29	25	89						
		St. Anselme.....	59	43	27	18	15	69						
		St. Jean Chrisostôme.....	51	35	27	18	18	50						
St. Isidore.....	46	48	10	8	6	80	508							
Beauce.	}	St. Marie.....	159	151	76	65				53	192			
		St. Joseph.....	70	77	28	28				17	102			
		St. François.....	78	62	29	30				29	81			
		Ste. Claire.....	79	68	15	19				25	103			
		St. George.....	35	36	10	10				14	47			
		Frampton.....	31	28	13	16				11	32			
St. Marguerite de Joliet.....	55	40	15	26	13	56	613							
Bellechasse.	}	Beaumont.....	16	22	8	10				14	14			
		St. Charles.....	39	37	17	21				24	31			
		St. Gervais.....	140	113	57	34				35	184			
		St. Michel.....	46	39	24	28				17	40			
		St. Vallier.....	56	46	19	25				23	54			
		Berthier.....	18	20	7	5	3	30						
		St. François, R. S.....	38	31	9	9	6	54	407					
L'Islet.	}	St. Pierre, R. S.....	36	28	5	15	13	36						
		St. Thomas.....	80	89	34	30	33	106						
		Cap St. Ignace.....	53	60	20	27	18	68						
		Isle aux Grues.....	12	10	5	9	3	10						
		L'Islet.....	68	74	21	35	39	68						
		St. Jean Port Joly.....	86	78	24	45	33	86						
		St. Roch.....	63	49	19	24	27	61	435					
Kamouraska.	}	St. Anne.....	81	64	22	42	24	79						
		St. Denis.....	42	45	20	24	24	39						
		Rivière Ouelle.....	56	65	34	26	27	68						
		Kamouraska.....	62	73	20	29	29	77						
		St. Paschal.....	78	76	26	41	34	79						
		St. André.....	66	80	31	32	37	77				419		
Rimouski.	}	Kakona.....	74	75	21	32	28	89						
		St. Patrice, R. L.....	67	80	37	30	24	93						
		Trois Pistoles.....	56	62	20	32	29	57						
		Isle Verte.....	57	58	16	22	25	68						
		Rimouski.....	73	87	28	31	31	98						
		St. Simon.....	52	48	17	14	22	64						
		Ste. Luce.....	43	39	12	20	11	51						
		Matane.....	29	22	6	7	6	38	558					
Total.....			4975	4786	1906	2488	2154	5222				5222	Deficit 103.	

PERRAULT & BURROUGHS,

P. K. B.

Quebec, 16th February, 1843.

GENERAL

GENERAL STATEMENT of Baptisms, Marriages, and Burials, made in the District of Montreal, during the year 1842.

Appendix (D.)

Appendix (D.)

29th Sept.

29th Sept.

COUNTIES.	PARISHES.	Baptisms.			Marriages.		Burials.		Increase.	Decrease.	Total increase.	Total decrease.	REMARKS.
		Males.	Females.			Males.	Females.						
Montreal.	Montreal Parish Church.....	935	958	399	687	716	490						
	Church of England.....	94	94	38	112	119	.....	43					
	Scotch Church, St. Helen Street.....												No Return.
	Do. St. Gabriel Street.....												Do.
	Do. St. Peter Street.....	33	33	28	29	16	21						
	Methodist New Connexion Church.....	9	6	6	.....	2	13						
	Methodist Chapel.....												
	Presbyterian Church.....												
	American Presbyterian.....	6	4	2	10	10	.....	10					
	Congregational Free Church.....												
	Garrison.....												
	St. Mary Cross.....												
	St. Mary Chapel, Current St. Mary.....												
	French Presbyterian Church of Montreal,	2	.....	1	1	2	.....	1					
	Baptist Church, St. Helen Street.....	7	6	2	7	4	2						
	Jewish Church.....	2	3	2	4	1							
	Hospital General.....	1	1	.....	68	72	.....	138					
	Congregational Church.....	9	10	14	11	15	.....	7					
	Wesleyan Congregation.....	43	47	43	23	27	40						
	Stc. Anne du Bout de l'Isle.....	20	16	6	17	17	2						
	Pointe Claire.....	38	33	10	22	15	34						
	Stc. Geneviève.....	54	64	26	35	27	56						
	Sault au Recollet.....	41	50	14	30	32	29						
	St. Laurent.....	78	62	30	44	35	61						
	Pointe aux Trembles.....	22	27	4	24	24	1						
	Longue Pointe.....	22	25	5	10	11	26						
	Lachine, Protestant.....	6	3	1	3	1	5						
Lachine, Catholic.....	26	31	10	26	31								
Lachine, Scotch Presbyterian.....													
Episcopal Congregation, Trinity Church,													
United Associate Congregation of Montreal	17	15	18	17	11	4						Do.	
Trinity Church.....	34	32	33	15	16	35						Do.	
St. Thomas Church, Montreal.....	15	19	11	8	2	24							
		1514	1539	703	1203	1206	843	199	644				
Ottawa.	Petite Nation.....												Do.
	Notre Dame de Grenville.....												Do.
	Hull.....												Do.
	Gore.....												
	Mission of the Church of England.....	15	19	2	.....	.....	34						
	St. Gregoire de Naziance.....	36	31	17	2	1	64						
	Township of Buckingham.....												Do.
	Grenville and Chatham, in connexion with the Church of Scotland.....												Do.
	Township of Clarendon.....	8	14	7	1	3	18						
	Stc. Anne du Grand Calumet.....	49	38	18	10	11	66						
Baptist Church, Chatham.....	15	1	2	2	1	18							
Mission of St. Paul, Aylmer, and other Missions on the Ottawa.....	40	31	10	12	4	55							
		163	134	50	27	20	250	.....	250				
Vaudreuil.	Vaudreuil.....	65	73	22	44	47	47						
	Vaudreuil, Protestant.....	5	10	8	3	9	3						
	Isle Perrot.....	14	21	6	30	22	.....	17					
	Rigault.....	131	109	25	36	31	173						
	Soulanges.....	60	44	19	37	27	40						
	St. Polycarpe.....	10	8	4	9	6	3						
	Coteau du Lac.....	90	80	20	49	51	70						
Episcopal Congregation.....												Do.	
		375	345	104	208	193	336	17	319				

Appendix (D.)  
29th Sept.

Appendix (D.)  
29th Sept.

COUNTIES.	PARISHES.	Baptisms.			Burials.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.
		Males.	Females.	Marriages.	Males.	Females.					
Lake of the Two Mountains.	Stc. Scholastique.....	120	119	40	52	51	136				No Return.
	St. Andrews .....	4	5	2	1	.....	8				
	St. Eustache .....	129	105	30	36	31	167				
	St. Eustache, Protestant.....										
	St. Benoit .....	100	91	41	41	36	114				
	Lac des Deux Montagnes .....	29	31	6	17	25	18				
	Lachute, Scotch Church .....	12	12	4	1	4	19				
	Argenteuil .....										
	St. Hermas .....	56	51	32	26	21	66				
	Associate Synod of the Secession Church, St. Eustache .....										
	St. André d'Argenteuil.....	36	33	6	15	15	39				
Lachute, Presbyterian Congregation .....	9	8	4	1	1	15					
		495	455	165	184	184	582	.....	582		
Terrebonne.	St. Colomban .....	18	19	1	16	9	18				Do.
	St. Jerome.....	112	123	28	47	34	154				
	Terrebonne.....	61	55	24	32	28	56				
	Stc. Rose.....	52	60	21	41	31	40				
	St. Vincent de Paul .....										
	St. Martin .....	86	79	21	55	51	59				
	Stc. Anne des Plaincs .....	39	40	24	23	19	37				
	Stc. Thérèse de Blainville.....	86	86	29	41	41	87				
	Stc. Thérèse, Protestant .....	1	2	1	1	1	1				
	St. Augustin .....	42	57	25	29	24	46				
	St. Joseph, Rivière des Prairies .....	23	20	10	26	18	5				
	St. Martin, Episcopal Congregation.....	1	1	.....	.....	.....	2				
	Stc. Thérèse, French Protestant.....	3	5	.....	.....	.....	8				
United Associate Congregation of New Glasgow .....	9	9	2	3	4	11					
		533	550	186	305	260	524	.....	524		
Leinster.	St. Jacques .....	142	143	46	109	85	91				Do.
	L'Assomption .....	90	104	32	40	46	108				
	St. Sulpice.....	21	18	10	18	17	4				
	Repent-gny .....	37	33	10	15	20	35				
	St. Gregoire de Rawdon .....										
	Rawdon, Wesleyan Methodist .....	6	5	2	.....	.....	11				
	Lachenaie .....	26	26	5	21	18	13				
	St. Henry de Mascouche.....	63	59	19	47	43	32				
	St. Roch.....	55	54	18	49	44	16				
	St. Lin .....	66	74	14	25	34	81				
	St. Ours du St. Esprit .....	77	63	19	50	48	42				
Kilkenny .....											
Episcopal Congregation, Mascouche .....	14	12	5	1	1	24					
		597	591	180	375	356	457	.....	457		
Berthier.	Berthier.....	111	116	50	82	76	69				Do.
	St. Antoine de Lavaltrie .....	28	33	9	20	23	18				
	St. Paul de Lavaltrie .....	82	81	35	39	36	88				
	Stc. Elizabeth.....	132	153	27	65	70	150				
	St. Thomas .....										
	St. Marcel du Lac Maskinongé .....										
	St. Cuthbert .....	52	65	26	23	27	67				
	Lanoraie .....	32	35	9	27	29	11				
	Lac Maskinongé, Kildare .....										
	St. Barthelemi du Sable .....	50	54	13	20	36	48				
	Isle du Pads.....	13	13	9	7	14	5				
Stc. Melanie .....	56	39	13	54	28	13					
St. Ambroise, Kildare .....											
St. Gabriel, Rawdon .....	20	36	9	12	6	38					
Stc. Melanie de Daillebout .....	44	40	12	21	19	44					
St. Thomas.....	23	23	9	16	20	10					
		643	688	215	386	384	561	.....	561		

Appendix (D.)  
29th Sept.

Appendix (D.)  
29th Sept.

COUNTIES.	PARISHES.	Baptisms.			Burials.		Increase.	Decrease.	Total increase.	Total decrease.	REMARKS.
		Males.	Females.	Marriages.	Males.	Females.					
Richelieu.	St. Ours.....	82	79	20	43	47	71				
	St. Denis.....	79	70	21	42	34	73				
	St. Charles.....	47	45	13	15	16	61				
	Sorel.....	194	173	63	73	65	229				
	William Henry, Protestant.....	13	13	5	11	6	9				
		415	380	128	184	168	443	....	443		
St. Hyacinthe.	St. Aimé.....	79	63	25	41	34	67				
	St. Hyacinthe.....	157	141	45	64	73	161				
	St. Jude.....	33	38	7	17	10	44				
	St. Damase.....	60	66	28	31	19	76				
	St. Cesaire.....	147	130	45	47	42	188				
	St. Hugues.....	59	52	16	24	19	68				
	St. Pie.....	125	110	30	56	31	148				
	St. Paul, Yamaska Mountain.....										No Return.
	St. Simon.....	37	30	15	17	14	36				
	Ste. Rosalie.....										Do.
St. Dominique.....	35	34	14	13	6	50					
St. Barnabé détaché de St. Jude.....	29	26	13	8	17	30					
		761	690	244	318	265	808	....	868		
Rouville.	Ste. Marie de Monnoir.....										Do.
	Caldwell and Christie Manor.....	30	37	10	8	14	45				
	St. Jean Baptiste.....	48	42	24	13	29	48				
	St. Mathias.....	48	39	19	23	27	37				
	St. Athanase.....	109	114	35	45	53	125				
	La Présentation.....	34	29	14	16	13	34				
St. Hilaire de Rouville.....	25	30	13	15	11	29					
		204	291	115	120	147	318	....	318		
Verchères.	Verchères.....	71	72	20	29	26	88				
	St. Antoine.....	43	42	15	25	8	52				
	Varennes.....	95	86	26	52	43	86				
	Contrecoeur.....	48	35	27	16	17	50				
	Belœil.....	57	52	29	25	21	63				
St. Marc.....	18	34	16	14	18	20					
		332	321	133	161	133	359	....	359		
Chambly.	Chambly, Catholic.....	107	127	35	72	51	111				
	Chambly, Protestant.....										Do.
	Longueuil.....	76	92	32	41	39	88				
	Boucherville.....	58	79	40	28	33	69				
	St. Luc.....	19	36	5	6	9	40				
	St. Jean, Catholic.....	95	86	31	55	39	87				
	St. Jean, Protestant.....	12	12	8	9	7	8				
	St. John, Wesleyan Methodists.....	5	7			1	11				
St. John, Garrison.....	4	8		11	5			4			
		376	440	151	222	184	414	4	410		
Huntingdon.	St. Constant.....	77	58	21	27	29	79				
	Laprairie, Catholic.....	110	108	26	73	62	83				
	Laprairie, Protestant.....	10	5	7	6	2	7				
	Laprairie, Episcopal Congregation.....										Do.
	Laprairie, Scotch Presbyterian.....	5	3		1	1	6				
	Sault St. Louis.....	41	44	20	22	26	37				
	Desserte de St. Philomène, Parish of Chateauguay.....	55	45	14	15	20	65				
	Chateauguay.....	40	46	13	26	32	28				
	St. Philippe.....	43	47	22	31	27	32				
St. Edouard.....	101	98	24	39	33	125					
Blairfindie.....	55	57	14	22	27	63					
Carried over.....		587	509	161	262	259	525				

Appendix (D.)  
29th Sept.

Appendix (D.)  
29th Sept.

COUNTIES.	PARISHES.	Baptisms.		Marriages.	Burials.		Increase.	Decrease.	Total Increase.	Total Decrease.	REMARKS.	
		Males.	Females.		Males.	Females.						
Huntingdon, continued.	Brought over.....	537	509	161	262	259	525					
	St. Cyprien .....	122	114	36	67	59	110					
	St. Valentin .....	92	87	20	31	24	124					
	St. Remi .....	83	77	20	32	27	101					
	Odelltown, Wesleyan Methodists .....										No return.	
	Catholic Mission, Townships .....	139	126	28	22	16	227					
	St. George .....	123	123	40	41	35	170					
	French Protestants, grande ligne .....	15	18	....	2	2	29					
	St. Jacques le Mineur .....	35	35	8	16	15	39					
	Lacole New Connexion, Minister stationed at Henrysburgh .....	6	8	2	5	3	6					
	New Connexion Church, Henrysburgh Circuit .....										Do.	
			1152	1097	315	478	440	1331	....	1331		
	Beauharnois.	St. Clement .....	114	101	23	46	41	128				
		George Town .....										Do.
St. Timothée .....		101	91	34	47	52	93					
St. Régis .....		28	25	13	9	15	29					
St. Amicet .....		79	61	13	11	10	119					
St. Isidore .....		62	32	17	32	19	43					
Ste. Martine .....		117	116	26	47	38	148					
Hinchinbrook .....											Do.	
Beauharnois .....		10	10	6	8	6	6					
Protestant Episcopal Church, Chateauguay and Ormstown .....											Do.	
Ormstown .....											Do.	
George Town, North and South .....		17	17	9	2	2	30					
Hemmingford .....		17	22	33	4	2	33					
Beech Ridge Mission .....		8	7	4	....	....	15					
Missisquoi.	Dundee .....										Do.	
	Russell Town Circuit, Methodist .....	29	23	5	2	2	48					
	Do. Episcopal Congregation ..	23	35	3	6	2	50					
	Hemmingford, Presbyterian .....	15	17	4	3	5	24					
	Seigniory of Beauharnois, Congregational Church .....	1	2	....	....	1	2					
			621	559	190	217	195	768	....	768		
	St. Armand, East .....	15	27	12	7	16	19					
	St. Armand, West .....	24	26	8	23	12	15					
	Wesleyan Methodist .....	47	55	11	3	....	99					
	St. Armand, Methodist .....										Do.	
	St. Armand .....										Do.	
	Dunham .....	2	1	10	1	1	1					
	Dunham, South .....	5	5	2	3	6	1					
	Stanbridge .....	14	12	5	6	4	16					
Huntingdon, Presbyterian Church .....	7	10	1	....	....	17						
Dunham, Wesleyan Methodist .....	55	74	17	4	7	118						
Huntingdon, Episcopal Congregation .....	1	1	1	3	1	....		2				
Stanbridge, Baptist .....										Do.		
Granby .....	4	3	11	2	2	3						
		174	214	78	52	49	289	....	287			
Stanstead.	Stanstead .....										Do.	
	Hatley .....										Do.	
	Henrysburgh .....										Do.	
	Potton Circuit .....	3	2	7	....	....	5					
	Stanstead Circuit, Wesleyan Methodist ..	18	10	4	2	5	21					
	Baptist Church .....										Do.	
Bolton Circuit, Methodist Protest'nt Church	23	22	9	7	8	30						
		44	34	20	9	13	56	....	56			
Shefford.	Shefford .....	15	20	19	3	2	30					
	Stukely .....										Do.	
	Broome .....										Do.	
	Shefford Circuit, Wesleyan Methodist ..	29	28	8	1	1	55					
	Abbottsford .....	14	10	4	5	3	16					
		58	58	31	9	6	101	....	101			

RECAPITULATION of Statement for the year 1842.

Appendix (D.)

Appendix (D.)

29th Sept.

29th Sept.

COUNTIES.	Baptisms.			Burials.			Increase.	Decrease.	Total increase.	Total decrease.	REMARKS.
	Males.	Females.	Marriages.	Males.	Females.	Increase.					
Montreal .....	1514	1539	703	1203	1206	843	199	644			
Ottawa .....	163	134	56	27	20	250	....	250			
Vaudreuil .....	375	345	104	208	193	336	17	319			
Lake of the two Mountains .....	495	455	165	184	184	582	....	582			
Terrebonne .....	533	556	186	305	260	524	....	524			
Leinster .....	597	591	180	375	356	457	....	457			
Berthier .....	643	688	215	386	384	501	....	561			
Richelieu .....	415	380	128	184	168	443	....	443			
St. Hyacinthe .....	761	690	244	318	265	868	....	868			
Rouville .....	294	291	115	120	147	318	....	318			
Verchères .....	332	321	133	161	133	359	....	359			
Chambly .....	376	440	151	222	184	414	4	410			
Huntingdon .....	1152	1097	315	478	440	1331	....	1331			
Beauharnois .....	621	559	190	217	195	768	....	768			
Missisquoi .....	174	214	78	52	49	289	2	287			
Stanstead .....	44	34	20	9	13	56	....	56			
Shefford .....	58	58	31	9	6	101	....	101			
	8547	8392	3014	4458	4203	8500	222	8278			

SUPPLEMENTARY STATEMENT for the years 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841.

COUNTIES.	PARISHES.	Baptisms.			Burials.			Increase.	Decrease.
		Males.	Females.	Marriages.	Males.	Females.	Increase.		
Missisquoi .....	Stanbridge, &c. from 1833 till 1841 .....	66	61	34	16	11	100		
Beauharnois .....	Protestant Episcopal Church, for 1840 only .....	26	24	6	4	....	46		
Ottawa .....	Missions of St. Paul of Aylmer, and other Missions of Ottawa, for 1840 .....	96	91	24	4	7	176		
	Do. do. do. for 1841 .....	59	49	17	16	7	85		
	St. Anne du Grand Calumet and others, for 1841 ..	24	24	10	....	....	48		
	St. Gregoire de Naziance, for 1841 .....	34	32	7	6	2	58		
Beauharnois .....	Dundee, for 1841 .....	37	....	1	1	1	35		
Stanstead .....	Baptist Church of Chatham, for 1841 .....	1	1	6	1	3	....	2	
Lake of the Two Mountains .....	Presbyterian Church at Lachute, for 1841 .....	2	....	1	3	....	....	1	
Leinster .....	Episcopal Congregation of Mascouche, for 1841 .....	7	11	6	3	1	14		
Beauharnois .....	Episcopal Congregation in the Gore Settlement for 1841 .....	11	14	6	2	1	22		
Leinster .....	Rawdon, Episcopal Congregation, for 1841 .....	30	29	15	5	4	50		
		393	336	133	61	37	634	3	



Appendix (D.)

PROVINCE of Canada, District of Montreal.

Appendix (D.)

COUNTY AND DISTRICT.		Births.	Marriages.	Deaths.
County of Montreal,	9 Parishes .....	3053	703	2409
County of Ottawa,	5 Parishes .....	297	56	47
County of Vaudreuil,	7 Parishes .....	720	104	401
County of Terrebonne,	11 Parishes .....	1089	186	565
County of Leinster,	12 Parishes .....	1188	180	731
County of Berthier,	12 Parishes .....	1331	215	770
County of Richelieu,	5 Parishes .....	795	128	352
County of St. Hyacinthe,	12 Parishes .....	1451	244	583
County of Rouville,	7 Parishes .....	585	115	267
County of Verchères,	6 Parishes .....	653	133	294
County of Chambly,	5 Parishes .....	816	151	406
County of Huntingdon,	13 Parishes .....	2249	315	918
County of Beauharnois,	13 Parishes .....	1180	190	412
County of Stanstead,	4 Parishes .....	78	20	22
County of Missisquoi,	6 Parishes .....	388	78	101
County of Shefford,	2 Parishes .....	116	31	15
County of Two Mountains,	8 Parishes .....	950	165	368
		16939	3014	8661

Prothonotary's Office,  
Montreal, 17th March, 1843.

MONK & MORROGH,  
Proth'y.

GENERAL STATEMENT and RETURN of the Baptisms, Marriages, and Burials in the District of Three Rivers, for the year 1842.

COUNTIES.	Parishes, Seigniorics, Townships, or Cities.	Baptisms:			Burials.		Increase of Population ascertained by the difference between the Baptisms and Burials.	Total Increase of Population per County.	REMARKS.
		Males.	Females.	Marriages.	Males.	Females.			
St. Maurice.	Three Rivers, Catholic .....	87	90	42	49	52	76	} The burials exceed the births by 1.	
	Three Rivers, Protestant Episcopal .....	4	3	0	3	1	3		
	Three Rivers, Methodist .....	9	7	1	.....	.....	16		
	Pointe du Lac .....	34	28	9	23	14	25		
	Ste. Anne d'Yamachiche .....	89	81	25	37	32	101		
	St. Barnabé .....	30	29	2	2	4	53		
	St. Antoine de la Rivière du Loup .....	101	87	24	44	26	118		
	Protestant Congregation of River du Loup	1	4	4	2	1	2		
St. Ursule .....	.....	2	2	2	1	.....			
St. Léon .....	62	65	24	27	35	65			
St. Joseph de Maskinongé .....	89	85	33	29	37	108			
Champlain.	Cap de la Magdeleine .....	27	33	5	3	3	54		
	Champlain .....	37	31	11	10	8	50		
	St. François Xavier de Batiscan .....	22	16	6	8	6	24		
	Ste. Geneviève de Batiscan .....	39	36	20	20	19	36		
	St. Stanislas de Batiscan .....	46	45	9	8	9	74		
St. Anne Lapésade .....	70	61	26	38	41	52	290		
Carried over .....		747	703	249	305	289	857	856	

Appendix (D.)  
29th Sept.

Appendix (D.)  
29th Sept.

COUNTIES.	Parishes, Seigniories, Townships, or Cities.	Baptisms.		Marriages.	Burials.		Increase of Population ascertained by the difference between the Baptisms and Burials.	Total Increase of Population per County.	REMARKS.
		Males.	Females.		Males.	Females.			
Nicolet.	Brought over .....	747	703	249	305	289	857	856	
	St. Pierre les Becquets .....	39	50	16	28	22	39		
	St. Edouard de Gentilly .....	59	33	19	24	12	56		
	Townships of Blandford, Maddington, &c.	86	80	19	28	25	119		
	Bécancour .....	69	64	24	29	19	85		
	St. Gregoire .....	79	68	35	34	44	69		
	St. Jean Baptiste de Nicolet .....	112	98	30	58	56	96		
Protestant Congregation of Nicolet .....	1	5	....	4	2	.....	464		
Yamaska.	St. Antoine de la Baie du Febvre .....	92	67	16	37	34	88	382	
	St. Francois .....	95	86	39	39	31	111		
	Presbyterian Congregational Church of St. François .....	3	1	....	1	1	2		
	St. Michel d'Yamaska .....	75	60	38	35	16	84		
	St. Guillaume .....	21	26	10	3	6	38		
	St. David .....	54	50	19	20	25	59		
Drummond.	Catholic Mission of Drummondville .....	45	37	18	11	12	59	73	
	Protestant Congregation of Drummondville .....	11	11	2	7	1	14		
		1588	1445	532	663	595	1776	1775	

W. C. H. COFFIN,  
P. K. B.

Three Rivers, 8th February, 1843.

GENERAL STATEMENT and RETURN of Baptisms, Marriages and Burials, in the District of Gaspé, for the year 1841.

COUNTIES.	Parishes, Scigniories, Townships or Cities.	Baptisms.		Marriages.	Burials.		Increase of population by the difference between Baptisms and Burials.	Total per counties. Increase of Population.	REMARKS.
		Males.	Females.		Males.	Females.			
Bonaventure.	Carleton .....	66	60	36	11	8	107	275	
	New Richmond, Protestant .....	10	9	7	2	3	14		
	" Catholic .....	14	13	2	5	....	22		
	Bonaventure .....	16	15	13	5	1	25		
	Cox Township .....	23	23	16	1	2	43		
	Paspébiac, &c. ....	42	30	9	4	4	64		
Gaspé.	Percé, &c. ....	117	94	26	12	7	192	226	
	Gaspé Basin .....	16	20	3	2	....	34		
		304	264	112	42	25	501	501	

BEBEE & WILKIE,  
Clk. Provl. Court, Gaspé.

New Carlisle, 13th December, 1842.

ACCOUNTS of the Corporation of the TRINITY HOUSE, QUEBEC, received in conformity to the 20th Section of the Act, 4 & 5 Vic. Cap. 15.

CR.

THE TRINITY HOUSE OF QUEBEC, in account current with Errol Boyd Lindsay, Treasurer.

DR.

1842.		1842.		1842.		1842.		
Dr.	Cr.	£	s.	d.	£	s.	d.	
June 24..	To cash paid Montreal Bank, a Bill of Exchange for £300, sterling, remitted W. Markland, the Board's Agent, at 10½ per cent premium, (1.)	368	6	8	By balance of the Treasurer's account current, dated 31st December, 1841.	1034	3	9
October 14..	" Cash paid Lemesurier, Routh & Co. for 1003 gals. sperm oil, (2.)	378	4	3	" Amount of warrant received from Receiver-General, for covering expenses incurred in sending Pilots in search of H. M. S. Slyx, in November last, sterling, £32 4 9.	91	7	6
November 10..	" Cash paid Montreal Bank, the Treasurer's Note of 11th October last, given in payment of Bill remitted W. Markland for £410, sterling, balance of his account of 31st December, 1841.	501	6	6	" Amount received from Quebec Decayed Pilot Fund, for a Cash Book, Ledger and Journal, charged in T. Cary & Co.'s account	5	2	0
	With 30 days interest, (3.)				" Amount received from Trinity House of Montreal, in payment of oil and cotton wicks furnished the Richelieu Lights.	28	4	0
	Amount of the following Abstracts, viz:				" Amount received from Keeper of Green Island Light House, for three empty jars sold by him, at 7s. 6d.	1	2	6
	No. 1. For Portneuf Light	£9	2	3	" Amount received from A. Gilmour & Co. being the sum awarded to the Trinity House by the Court of Vice Admiralty, in the case as. Bark Miramichi, J. Grievie, Master, with interest from 28th July last.	483	7	7
	2. " Yacht Union	686	3	2	" Amount of Sir C. Bagot's warrant, No. 76S, being on account of monies for the erection of the Pillar and Bicoquet Lights, under 4th & 5th Vic. Cap. 15, sterling, £900; currency.	999	15	4
	3. " Contingencies	534	17	10	Less, postage charged by Montreal Bank, through which the amount was received from Kingston.			
	4. " New Yacht	21	5	2	" Amount of do. do. No. 1143, on account of do. sterling, £900; currency.	999	17	8
	5. " Ste. Croix Light	69	18	7	Less, postage charged as above.			
	6. " Beacons	6	0	0	" Amount borrowed from A. J. Duchesnay, and reimbursable 15th October, 1845, at 6 per cent interest.	500	0	0
	7. " Pointe des Monts Light House	86	9	6	" Amount received from J. M. Fraser & Co. nett proceeds of sales of empty jars and casks, &c.	7	19	5
	8. " S. W. Point of Anticosti do.	107	13	11	Carried over	4090	19	9
	9. " Brilliant Floating Light	683	13	4				
	10. " Green Island Light House	27	7	3				
	11. " Buoys	178	1	2				
	12. " South Pillar Light House	1471	10	3				
	13. " Harbour Master's Office	478	12	6				
	14. " Bicoquet Light House	281	10	2				
	15. " Heath Point, Anticosti	210	0	9				
	16. " Oil account	84	12	2				
	17. " Interest account	155	5	7				
	18. " Salaries and Pensions	1582	15	3				
	Carried over	6674	18	10				
		7922	16	3				

Appendix (E.)  
2nd October.

ACCOUNTS of the Trinity House of Quebec—continued.

Dr.	Cr.
£ s. d.	£ s. d.
<p>1842. November 10. Brought over.....</p> <p>To this sum advanced by the Treasurer to the Montreal Branch of the Trinity House, in the years 1838 and 1839, and not charged in his accounts rendered Government.....</p> <p>“ Treasurer’s commission of 5 per cent on monies by him received from 31st December, 1841, to 31st December, 1842., £350 0 0</p> <p>Less, amount charged the Quebec Decayed Pilot Fund, 137 15 5</p> <p>“ Balance remaining in the Treasurer’s hands.....</p>	<p>1842. December 29. Brought over.....</p> <p>By amount received from Capt. Boxer, on account of monies advanced him by the Board’s Agent in London, last winter.....</p> <p>“ This amount received by the Treasurer, for half fines to the 18th September, 1841, under the authority of Provincial Act, 51 Geo. 3, Cap. 12, Sec. 17, per account.....</p> <p>“ Amount of half fines received by the Treasurer, from 31st December, 1841, to 31st December, 1842.....</p> <p>“ The following amounts received from R. H. Hamilton, Naval Officer, viz: Duties collected under Prov. Act, 45 Geo. 3, Cap. 12. For quarter ended 5th January, 1842..... £886 12 10 Do. do. 5th July, do. .... 645 15 1 Do. do. 10th October, do. .... 1333 8 8</p> <p>Tonnage Duties collected under 4 &amp; 5 Vic. Cap. 15. For quarter ended 10th October, 1841..... £52 8 4 Do. do. 5th January, 1842..... 490 4 4 Do. do. 5th July, do. .... 261 16 1 Do. do. 10th October, do. .... 662 9 3</p> <p>“ Tonnage Duty collected by Treasurer of Trinity House from coasting vessels during the season of 1842, under 13th Sec. 4 &amp; 5 Vic. Cap. 15.....</p> <p>“ Balance of Cul de Sac dues to 31st December, 1842, received from W. K. Rayside, per account.....</p> <p>“ Amount due by E. B. Lindsay, Treasurer, for balance in his hands on monies received for the building of a Light House on the East end of Anticosti, as per account dated 31st December, 1841.....</p> <p>“ Do. do. for do. on do. to purchase provisions for the depôts, per account dated 31st December, 1842.....</p>
<p>7922 16 3</p> <p>102 5 7</p> <p>112 4 7</p> <p>621 16 2</p>	<p>4090 19 9</p> <p>19 0 0</p> <p>75 14 5</p> <p>11 17 6</p> <p>2865 16 7</p> <p>1466 18 0</p> <p>40 1 0</p> <p>66 1 8</p> <p>73 1 9</p> <p>49 11 11</p> <p>£ 8759 2 7</p>

Sworn in the Trinity Hall, the Court sitting, this 4th April, 1843.  
(Signed,) J. STEWART, Master.

A true copy.  
E. B. LINDSAY,  
Trea. Trin. Ho. Quebec.

Quebec, 31st December, 1842.  
E. E.  
(Signed,) E. B. LINDSAY,  
Trea. Trin. Ho. Quebec.

ABSTRACT  
Appendix (E.)  
2nd October.

## ABSTRACT No. 1.

Appendix (E.) DISBURSEMENTS attending Portneuf Light, from 31st December, 1841, to 31st December, 1842. Appendix (E.)

1842.		£	s.	d.		
2nd October.	Novr. 25..	Paid P. Coté, Montreal Pilot, his claim for attending Captain Boxer in placing Light.....	1	5	0	0
	Decr. 20..	Paid J. Gibb and Co.'s Account for Oil and Wicks.....	2	0	7	3
	" 29..	Paid Captain Boxer his travelling expenses going to place the Light.....	3	3	15	0
			£	9	2	3

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 2.

DISBURSEMENTS attending the Yacht Union, from 31st December, 1841, to the 31st December, 1842.

1842.		£	s.	d.		
January	26..	Paid J. Haram, carter's account.....	1	0	7	10
"	"	" Captain Bankier's account for provisions.....	2	6	0	11
February	1..	" M. Bell's account for vegetables.....	3	1	2	6
"	2..	" T. Wildes, blacksmith's account.....	4	3	10	10
"	"	" C. Brocklesby & Co. ship chandler's account.....	5	32	2	1
"	7..	" W. & G. Tate's account for wharfage.....	6	3	17	6
"	10..	" Semple & Lagueux's account.....	7	7	5	10
April	25..	" A. Green, rigger's account.....	8	10	0	0
May	18..	" J. Reed's account for bedding.....	9	19	14	9
June	21..	" B. S. Lafleur, chairmaker's account.....	10	1	10	0
July	9..	" J. Corneil, glazier's account.....	11	1	3	3
"	20..	" A. Glass's account for biscuit.....	12	7	17	0
"	27..	" S. Levey's account for table spoons.....	13	1	7	6
August	10..	" A. C. Holt's account for provisions.....	14	10	6	6
"	11..	" J. Reilly, painter's account.....	15	2	7	6
"	23..	" Morkill & Blight's account for table furniture.....	16	8	2	2
"	29..	" C. Poston's account for coals.....	17	4	17	6
October	14..	" P. S. Lafleur, cabinetmaker's account.....	18	8	17	0
"	"	" Miss Rollman's account for making table linen.....	19	0	6	5
"	20..	" Lafleur and St. Laurent's account for two sofas.....	20	12	0	0
Decembr.	7..	" P. Boisseau & Co.'s account for table linen.....	21	3	19	4
"	12..	" A. Butchart, blockmaker's account.....	22	1	4	6
"	28..	" T. Wildes, blacksmith's account.....	23	16	7	0
"	"	" J. Gibb & Co.'s account for provisions.....	24	5	18	0
"	"	" A. Lemoine, notary's account.....	25	0	5	0
"	"	" J. Hunt & Co.'s sailmaker's account.....	26	14	7	5
"	29..	" J. Munn's account for copper dross.....	27	1	10	0
"	"	" J. Haram, cartage.....	28	0	19	6
"	30..	" C. Poston's account for coals.....	29	1	1	8
"	31..	" G. Taylor, shipbuilder's account.....	30	55	10	1½
"	"	" A. Glass & Co. for biscuit.....	31	5	2	6
"	"	" T. Andrews, tinsmith's account.....	32	3	11	6
"	"	" Semple & Stewart, butcher's account.....	33	54	19	5
"	"	" Captain Young, disbursements in superintending repairs.....	34	0	10	3
"	"	" C. Brocklesby & Co. ship chandler's account.....	35	68	10	0
"	"	" J. Bankier, Master of the Yacht Union, his salary from 31st December, 1841, to this date.....	36	105	0	0
"	"	" Do. do. amount of wages paid by him to the crew....	37	183	15	6
"	"	" Do. his account of disbursements on account of the Yacht..	38	13	12	4½
			£	686	3	2

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

Appendix  
(E.)

2nd October.

## ABSTRACT No. 3.

CONTINGENT EXPENSES attending the Trinity House of Quebec, from 31st December, 1841,  
to 31st December, 1842.Appendix  
(E.)

2nd October.

1842.			£	s.	D.
January	26..	Paid E. Chouinard, pilot, on account of allowance for going down to meet H. M. Steamship Styx.....	1	8	0 0
"	"..	" Hon. F. W. Primrose, Solicitor, for his opinion in case of E. Demers' claim for pilotage.....	2	2	6 8
February	3..	" Joseph Plante, pilot, his allowance for going down to meet H. M. Steamship Styx, and his expenses back from Halifax by way of Boston...	3	39	5 0
"	"..	" Frs. Lapointe, do. do., going down below for ditto.....	4	20	0 0
"	"..	" F. Rodrigue, two months' salary as messenger to 2d instant.....	5	5	0 0
"	"..	" Do. his account for sundries.....	6	3	14 8
"	"..	" J. Lambly's account for clearing snow from Store.....	7	0	15 0
"	5..	" H. Gowen, two quarters' house rent to 1st instant.....	8	35	0 0
"	10..	" G. B. Symes, passage of J. Plante to Halifax in Unicorn.....	9	5	2 6
"	16..	" B. S. Lafleur's account for varnishing charts.....	10	2	0 0
"	"..	" E. L. Montizambert, Solicitor's account.....	11	14	0 0
"	24..	" A. Miller, removing snow from opposite Trinity Hall.....	12	2	15 0
"	26..	" W. Neilson's account for advertisements.....	13	11	15 4
March	2..	" E. B. Lindsay's Notarial account.....	14	2	3 9
"	24..	" E. Chouinard, pilot, balance of his allowance for going down the River to meet H. M. Steamship Styx.....	15	12	0 0
"	"..	" H. Hemming, joiner's account.....	16	3	4 11
April	7..	" C. Lindsay's account for advertisements.....	17	12	3 9
"	11..	" J. Kane, tinsmith's account.....	18	0	5 0
"	15..	" S. Lelievre, Advocate's taxed bill of costs in case of Harbour Master vs. T. C. Lee.....	19	5	11 2
"	21..	" E. Trudeau, sweeping of chimnies, twelve months to 1st May next...	20	0	16 6
May	3..	" John Lambly's Store rent, six months to 1st instant.....	21	15	0 0
"	11..	" F. Rodrigue, messenger, three months' salary to 2d instant.....	22	7	10 0
"	12..	" H. Gowen, one quarter's rent of Trinity Hall to 1st instant.....	23	17	10 0
July	19..	" J. Patry, carpenter's account for paper press, &c.....	24	}	9 2 2
"	20..	" F. Rodrigue's account for sundries.....	25		
"	30..	" L. T. Aubric, for firewood.....	26	0	5 1
August	1..	" F. Proulx, carting and piling do.....	27	13	10 3
"	"..	" W. Neilson's account for subscription to Quebec Gazette, &c.....	28	3	9 0
"	3..	" F. Rodrigue, messenger, three months' salary to 2d instant.....	29	2	0 9
"	"..	" H. Gowen, one quarter's rent of Hall to 1st instant.....	30	7	10 0
"	27..	" Glover & Fry's account for stationery.....	31	17	10 0
Sept'r	30..	" Registrar and Water Bailiff's fees, &c., in the case of seizure of Capt. J. Thompson's goods and chattels, and attachment of his person....	32	1	16 6
"	"..	" F. Rodrigue, on account of his salary as messenger.....	33	12	2 2
October	21..	" J. Levy's account for wafers.....	34	5	0 0
"	29..	" Fréchette & Co., for copy of Criminal Laws by J. Crémazie.....	35	1	10 0
"	"..	" F. Rodrigue's account for sundries.....	36	0	10 0
Nov'r	4..	" H. Gowen, one quarter's rent of Hall to 1st instant.....	37	2	17 3
"	11..	" J. Lambly, six months rent of Store.....	38	17	10 0
"	"..	" Do. cleaning snow opposite do. last winter.....	39	15	0 0
"	28..	" F. Rodrigue's account for sundries.....	40	1	10 0
Dec'r	2..	" Do. two months' salary as messenger to this day.....	41	0	15 9
"	17..	" H. Hemming, carpenter's account.....	42	5	0 0
"	23..	" J. M. Fraser & Co.'s account for two safety boxes.....	43	1	8 3
"	27..	" W. Neilson's account for sundry articles, and subscription to French Gazette.....	44	4	5 0
"	28..	" A. Lemoine, N. P., for procuration by Treasurer for receipt of monies from Kingston.....	45	1	6 0
"	29..	" T. Cary & Co.'s account for printing, &c.....	46	0	7 6
"	"..	" L. Blais, blacksmith's account.....	47	11	19 7
"	"..	" Captain Boxer's account for sundry disbursements in procuring plan of Light Ship, &c., in England.....	48	1	15 10
"	31..	" E. L. Montizambert, Solicitor's account for professional services.....	49	19	3 4
"	"..	" Postage account from 5th April, 1841, to this date.....	50	14	0 0
"	"..	" Registrar's allowance for Index and copying, for the year 1842.....	51	107	14 2
			52	30	0 0
			£	534	17 10

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

Appendix  
(E.)

## ABSTRACT No. 4.

DISBURSEMENTS attending the finishing of the new Yacht, from 31st December, 1841, to 31st  
December, 1842.Appendix  
(E.)

2nd October.

2nd October.

1842.			£	s.	d.
January 26..	Paid	T. Cary & Co.'s account for advertizements calling in tenders . . . .	1	1	14 7
...	"	Capt. Young's account for expenses incurred in superintending her building . . . . .	2	10	0 0
...	"	T. Cornell's account for carving and gilding . . . . .	3	2	3 2
February 26..	"	W. Neilson's account for advertizing for a Master . . . . .	4	0	14 1
March 2..	"	E. B. Lindsay's Notarial account for draft and execution of contract with G. Taylor for building Yacht, &c. . . . .	5	3	15 0
5..	"	Her Majesty's Customs for admeasurement of the Yacht Union . . . .	6	2	6 8
Dec'r 28..	"	A. Lemoine, Notary, executing discharge by G. Taylor for balance of contract . . . . .	7	0	11 8
			£	21	5 2

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 5.

DISBURSEMENTS attending the Ste. Croix Light, from 31st December, 1841, to 31st  
December, 1842.

1842.			£	s.	d.
Nov'r 4..	Paid	N. Bergeron, freight of Oil to Ste. Croix . . . . .	1	0	1 3
Dec'r 21..	"	Montreal Bank for a post bill remitted Mr. Atherton, Agent to the Board of Works, in payment of this Light . . . . . £60 0 0	2		
		Premium of Exchange . . . . . 0 3 0			
				60	3 0
" 28..	"	L. Durocher, his account for wages as Keeper, from 21st June to 29th November . . . . .	3	9	14 4
			£	60	18 7

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 6.

DISBURSEMENTS attending Beacons, from the 31st December, 1841, to the 31st December, 1842.

1842.			£	s.	d.
October 15..	Paid	J. Archer's account for erecting Beacon to mark ballast ground . . . . .	1	6	0 0

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

Appendix  
(E.)

## ABSTRACT No. 7.

Appendix  
(E.)DISBURSEMENTS attending Pointe des Monts Light House, from 31st December, 1841, to  
31st December, 1842.

2nd October.

2nd October.

1842.				£	s.	D.
January 2..	Paid	J. Haram's account, cartage of coals, &c.....	1	0	14	6
February ..	"	T. Wildes, blacksmith's account.....	2	0	18	9
" ..	"	C. Brocklesby & Co. ship chandler's account.....	3	0	17	10
April 7..	"	W. Chapman & Co.'s account for coals.....	4	2	12	6
May 11..	"	J. Wallace, his allowance of provision money, from 1st May, 1841, to 30th April last.....	5	50	0	0
August 29..	"	C. Poston's account for coals.....	6	3	0	0
Sept'r 28..	"	W. H. Lemoine's account for an ox and hay.....	7	10	1	8
Nov'r 12..	"	C. Turgeon's account for boards.....	8	2	12	0
Dec'r 23..	"	F. X. Methot's account for nails.....	9	0	1	9
" 28..	"	T. Wildes, blacksmith's account.....	10		3	9
" ..	"	J. Hunt & Co. sailmaker's account.....	11	8	18	1
" 20..	"	A. Morrison's account for pressing hay.....	12	4	10	0
" ..	"	J. Haram's account for cartage.....	13	0	18	1
" 31..	"	C. Brocklesby & Co. ship chandler's account.....	14	1	0	7
				£	86	9 6

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 8.

DISBURSEMENTS attending the South West Point of Anticosti Light House, from 31st  
December, 1841, to 31st December, 1842.

1842.				£	s.	D.
January 26..	Paid	A. Morrison's account for pressing hay.....	1	3	6	0
" ..	"	J. Haram's account carting oil and coals.....	2	1	1	4
February 2..	"	T. Wildes, blacksmith's account.....	3	0	7	6
" ..	"	C. Brocklesby & Co. ship chandler's account.....	4	10	9	8
March 1..	"	F. X. Methot's account.....	5	0	18	0
April 7..	"	W. Chapman & Co.'s account for coals.....	6	2	12	6
May 20..	"	Provision money to the Keeper, for 12 months to 1st instant.....	7	75	0	0
August 29..	"	C. Poston's account for coals.....	8	3	0	0
Sept'r 17..	"	J. Paquet, for oats.....	9	1	10	0
Nov'r 11..	"	T. Drysdale's account, repairs to lamps.....	10	1	11	6
Dec'r 23..	"	F. X. Methot's account.....	11	2	9	8
" 29..	"	J. Haram, cartage of oil.....	12	0	16	5
" 31..	"	C. Brocklesby & Co. ship chandler's account.....	13	4	11	4
				£	107	13 11

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.



Appendix  
(E.)

## ABSTRACT No. 9.

Appendix  
(E.)

2nd October.

2nd October.

DISBURSEMENTS attending the Brilliant Floating Light, from the 31st December, 1841,  
to 31st December, 1842.

1842.				£	s.	D.
January	26..	Paid	T. Drysdale's account for valuing lanterns .....	1	1	0 0
"	"	"	J. Haram's account for cartage of oil .....	2	0	5 2
"	"	"	T. Cary & Co.'s account .....	3	1	11 0
February	2..	"	T. Wildes, blacksmith's account .....	4	16	6 9
"	"	"	Do. do. ....	5	110	10 0
"	"	"	J. Hunt's account .....	6	5	14 3
"	"	"	C. Brocklesby & Co.'s ship chandler's account .....	7	32	13 3
"	14..	"	Estate of J. Auld, blockmaker's account .....	8	5	10 10
"	"	"	E. Wurtele's account for chains .....	9	12	12 6
March	2..	"	E. B. Lindsay, Notary's account .....	10	0	12 6
"	4..	"	G. Taylor's account for repairs .....	11 and	111	19 3
April	25..	"	Capt. Richardson, first instalment for navigating "Brilliant" .....	13	100	0 0
"	30..	"	E. L. Montizambert, Solicitor's account .....	14	3	16 6
July	9..	"	S. Corniel, glazier's account .....	15	0	15 0
August	8..	"	Capt. Richardson's second instalment .....	16	100	0 0
Nov'r	8..	"	J. Bradley, Registrar of the Court of Vice Admiralty, his fees in case of Miramichi .....	17	1	10 0
"	12..	"	J. Dean, his fee as one of the arbitrators in the above case .....	18	5	16 8
"	"	"	Hon. G. Pemberton, do. do. do. ....	19	5	16 8
"	26..	"	Capt. Richardson's last instalment .....	20	100	0 0
Dec'r	24..	"	R. Miller, for services rendered .....	21	0	5 0
"	28..	"	W. Cotman's account, repairs to boat .....	22	3	15 0
"	"	"	T. Wildes, blacksmith's account .....	23	1	3 3
"	"	"	A. Lemome, Notarial papers .....	24	1	5 0
"	29..	"	A. Morrison's account for cooperage .....	25	0	17 6
"	"	"	J. Hunt & Co. sailmaker's account .....	26	8	12 1
"	"	"	J. Haram, cartage of oil .....	27	0	8 8
"	31..	"	G. Taylor, master shipbuilder's account .....	28	42	8 11
"	"	"	T. Andrews, tinsmith's account .....	29	0	8 6
"	"	"	Capt. Young, disbursements in superintending repairs .....	30	0	10 3
"	"	"	C. Brocklesby & Co. ship chandler's account .....	31	7	8 10
				£	683	13 4

(Signed)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 10.

DISBURSEMENTS attending the Light House on Green Island, from the 31st December, 1841,  
to the 31st December, 1842.

1842.				£	s.	D.
January	26..	Paid	J. Haram's account for cartage of oil .....	1	0	14 8
February	2..	"	C. Brocklesby & Co.'s account .....	2	1	18 1
"	28..	"	C. Wurtele's account for chains .....	3	0	18 4
March	1..	"	F. X. Methot's account .....	4	2	9 9
"	2..	"	R. N. Lindsay's account for freight .....	5	2	4 6
"	"	"	Do. account repairs to boat .....	6	4	15 0
August	29..	"	C. Poston's account for coals .....	7	5	5 0
Dec'r	23..	"	F. X. Methot's account for black lead .....	8	0	6 3
"	28..	"	J. Hunt, sailmaker's account .....	9	4	8 4
"	29..	"	J. Haram, cartage of oil and coals .....	10	0	12 3
"	31..	"	C. Brocklesby & Co. ship chandler's account .....	11	3	15 1
				£	27	7 3

(Signed)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 11.

Appendix (E.) DISBURSEMENTS attending the Buoys, from the 31st December, 1841, to 31st December, 1842. Appendix (E.)

2nd October.	1842.			£	s.	d.	2nd October.
	January 26..	Paid	A. Morrison's account for repairing buoys .....	1	1	1 6	
	" "	"	J. Haram's account for cartage of do. ....	2	1	9 2	
	" "	"	Capt. Young's account, labour turning out do. ....	3	4	11 0	
	February 2..	"	T. Wildes, blacksmith's account.....	4	3	8 6	
	" "	"	C. Brocklesby & Co. ship chandler's account.....	5	1	16 6	
	28..	"	C. Wurtele's account for chains, &c. ....	6	27	4 5	
	May 21..	"	J. Reilly's account, painting buoys.....	7	5	12 6	
	June 13..	"	Capt. Bankier, for victualling Capt. Young while laying buoys ....	8	4	10 0	
	August 11..	"	J. Reilly's account for painting do. ....	9	0	12 6	
	13..	"	M. Bouchard's account for saving red buoy .....	10	6	10 0	
	Sept'r 5..	"	Capt. Bankier, for victualling Capt. Young while laying red buoys..	11	1	0 0	
	October 13..	"	W. Cotterel, salvage of one of the harbour buoys.....	12	0	4 0	
	Dec'r 15..	"	G. Gaden, for lifting a buoy from off one of the wrecks in the harbour .....	13	1	0 0	
	27..	"	W. Neilson's account for advertizements relative to buoys placed in Rivers St. Charles and St. Lawrence.....	14	1	4 0	
	28..	"	T. Wildes, blacksmith's account.....	15	8	16 0	
	" "	"	Do. work to harbour buoys.....	16	0	7 6	
	29..	"	A. Morrison's account for making and repairing buoys.....	17	27	12 0	
	" "	"	C. Wurtele's account for chains for do. ....	18	29	1 3	
	" "	"	Do. do. do. ....	19	12	15 3	
	" "	"	J. Haram, cartage of do. ....	20	2	5 4	
	31..	"	G. Taylor's account for making harbour buoys .....	21	25	11 5	
	" "	"	W. Smith's account, mooring stones .....	22	6	0 0	
	" "	"	Capt. Young's account for expenses in fitting buoys .....	23	1	0 6	
	" "	"	C. Brocklesby & Co. ship chandler's account.....	24	1	6 9	
	" "	"	Do. do. do. ....	25	3	1 1	
				£	178	1 2	

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 12.

DISBURSEMENTS attending the building of the South Pillar Light House, from the 31st December, 1841, to the 31st December, 1842.

	1842.			£	s.	d.
	July 19..	Paid	E. Atherton, civil engineer, on account of his services in preparing plans and specifications .....	1	40	0 0
	August 1..	"	W. Neilson's account for advertizements in Quebec Gazette, calling in tenders .....	2	1	11 6
	6..	"	Registrar at Montreal, for registering contract made with J. Andrew for building the Tower .....	3	0	7 0
	8..	"	Armour & Ramsay's account for advertizements in Montreal Gazette, calling in tenders .....	4	0	18 8
	Sept'r 10..	"	J. Andrew, first instalment on account of his contract.....	5	415	0 0
	21..	"	C. Atherton, on account of services as engineer .....	6	35	0 0
	30..	"	Do. on account of roofing of Cupola .....	7	50	0 0
	October 19..	"	J. Andrew, contractor, his second instalment.....	8	415	0 0
	Nov'r 11..	"	C. Atherton, on account of roofing of Cupola.....	9	150	0 0
	25..	"	J. Andrew, on account of his contract.....	10	300	0 0
	Dec'r 7..	"	W. Smith, on account of superintending the erection of this Light..	11	50	0 0
	27..	"	W. Neilson's account for advertizements calling in new tenders ...	12	1	7 0
	28..	"	A. Lemoine, Notary's account for draft and execution of contract with J. Andrew, and other professional services in relation to this Light .....	13	6	3 4
	29..	"	T. Cary & Co.'s account for advertizements.....	14	0	12 9
	" "	"	Capt. Boxer, his travelling expenses with W. Smith going to fix upon the site of the Light House .....	15	5	10 0
				£	1471	10 3

(Signed,)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

ABSTRACT No. 13.

DISBURSEMENTS attending the Harbour Master's Office, from 31st December, 1841, to 31st December, 1842.

2nd October.

2nd October.

1842.				£	s.	D.
February	2..	Paid	T. Wildes, blacksmith's account.....	1	0	17 7
	..	"	C. Brocklesby & Co. ship chandler's account.....	2	1	14 3
April	20..	"	Water Bailiff, for attendance in office.....	3	12	10 0
	30..	"	Lafleur & St. Laurent, cabinet makers' account.....	4	0	10 0
May	9..	"	Harbour Master's boatmen, 15 days wages to 1st instant.....	5	18	0 0
June	2..	"	Do. do. one month's wages to 31st May last...	6	36	0 0
	3..	"	J. Descarreau, posting notices.....	7	0	7 0
July	2..	"	Harbour Master's boatmen, wages to 30th June last.....	8	36	0 0
	16..	"	J. B. & Ed. Baron, wages as boatmen.....	9	6	6 8
	20..	"	F. Rodrigue's account, sundries for office.....	10	8	7 4
	23..	"	Jos. Porter, bell-hanger's account.....	11	2	3 9
August	3..	"	Harbour Master's boatmen, wages to 31st ultimo.....	12	42	0 0
	5..	"	Joseph Auld, blockmaker's account.....	13	0	16 7
	6..	"	W. Cotman's account for new boat, &c.....	14	40	0 0
	27..	"	Water Bailiff, on account of allowance for attendance to Landing Place.....	15	4	0 0
Sept'r	2..	"	Harbour Master's boatmen, wages to 31st ultimo.....	16	47	0 0
	30..	"	Do. do. on account..... £42 0 0	17		
October	2..	"	Do. do. balance to 30th ultimo..... 5 0 0	18		
				.....	47	0 0
Nov'r	2..	"	Do. do. wages to 31st ultimo.....	19	47	0 0
	15..	"	A. Fraser, boatman, 15 days wages to this day.....	20	2	15 0
	25..	"	Water Bailiff, balance of allowance for attendance to Landing Place	21	8	10 0
Dec'r	2..	"	Boatmen, balance of wages to 30th ultimo.....	22	44	5 0
	7..	"	Water Bailiff, on account of allowance for attending beaches during ensuing winter.....	23	2	0 0
	..	"	P. Boisseau & Co.'s account.....	24	4	10 0
	17..	"	Water Bailiff, on account of allowance for attending beaches, &c. ...	25	2	0 0
	27..	"	W. Neilson's account for sundry advertizements.....	26	10	5 0
	28..	"	T. Wildes, blacksmith's account.....	27	2	10 3
	..	"	J. Hunt, sailmaker's account.....	28	18	19 5
	29..	"	T. Cary & Co.'s account for stationery.....	29	0	17 7
	30..	"	Estate of J. Brown's account, paint.....	30	0	5 7
	..	"	B. S. Lafleur, on account of allowance for attending beaches, &c. ...	31	2	0 0
	..	"	T. Cary & Co.'s account for printing and advertizements.....	32	13	4 1
	..	"	W. Drum's account for an office table.....	33	3	10 0
	..	"	C. Brocklesby & Co. ship chandler's account.....	34	12	7 5
				£	478	12 6

(Signed.)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 14.

DISBURSEMENTS attending the building of the Bicquet Light House, from 31st December, 1841, to 31st December, 1842.

1842.				£	s.	D.
August	12..	Paid	C. Atherton's disbursements, going with W. Smith to visit the site of Light House on Bicquet.....	1	8	5 0
	..	"	C. Hough, carriage hire to Bicquet for do. ....	2	15	0 0
Nov'r	5..	"	R. Jellard, Attorney to J. Archer, on account of the latter's contract for building the Tower.....	3	250	0 0
Dec'r	27..	"	W. Neilson's account, advertizing for tenders.....	4	2	15 6
	29..	"	T. Cary & Co.'s account for advertizements.....	6	0	6 8
		"	A. Lemoine, Notary's account for draft and execution of contract with J. Archer, and other professional services in relation to this Light.....	5	5	3 0
				£	281	10 2

(Signed.)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

Appendix  
(E.)

2nd October.

## ABSTRACT No. 15.

Appendix  
(E.)

2nd October.

DISBURSEMENTS attending the Tower on Heath Point, East end of Anticosti, from the 31st  
December, 1841, to the 31st December, 1842.

1842.			£	s.	d.
Jan'y	11..	Paid B. Bradley, balance of his wages to 19th July, 1840, when he was superseded by Mr. Donelly.....	1	10	2 9
Sept'r	12..	" Do. on account of his wages as Keeper of the Tower, under his new agreement.....	2	5	0 0
Dec'r	3..	" M. Donelly, on account of wages as Keeper.....	3	125	0 0
	23..	" F. X. Methot & Co.'s account.....	4	3	12 4
	28..	" M. Donelly, balance of wages due him as Keeper, to the 24th October last.....	5	63	5 8
	31..	" C. Brocklesby & Co. ship chandler's account for sundries.....	6	3	0 0
			£	210	0 9

(Signed)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 16.

Dr. Oil Account.

1842.			£	s.	d.
Jan'y	26..	To cash paid A. Morrison, storage of oil.....	1	30	12 6
		" " J. Haram, cartage of do. ....	2	2	0 10
Dec'r	29..	" " A. Morrison, storage.....	3	32	16 9
		" " Do. cooerage.....	4	16	3 9
		" " J. Haram, cartage.....	5	0	18 4
		" " J. Hearle's account for an iron cask.....	6	2	0 0
			£	84	12 2

(Signed)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

## ABSTRACT No. 17.

Account of monies paid for interest on sums borrowed by the Trinity House of Quebec,  
during the year 1842.

1842.			£	s.	d.
April	9..	To S. Scott, 6 months interest on £500, at 8 per cent, to 31st March....	1	20	0 0
	"..	" P. Lawler, 12 months do. on £500, at 7 per cent, to do. ....	2	35	0 0
July	26..	" R. Burke, 6 months do. on £200, at 6 per cent, to 15th June.....	3	6	0 0
October	12..	" G. Taylor, 12 months do. on £638, at 6 per cent, to 1st October last..	4	38	5 7
Nov'r	15..	" S. Scott, 6 months do. on £500, at 8 per cent, to 30th September....	5	20	0 0
Dec'r	19..	" R. Burke, 6 months do. on £200, at 6 per cent, to 5th December instant.....	6	6	0 0
	30..	" Widow P. Guerout, 12 months do. on £500, at 6 per cent, to 15th inst.	7	30	0 0
			£	155	5 7

(Signed)

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

ABSTRACT No. 18.

Appendix (E.)

Appendix (E.)

2nd October.

2nd October.

SALARIES and PENSIONS paid to the Officers of the Trinity House of Quebec, between 31st December, 1841, and 31st December, 1842.

		£	s.	d.
To John Lambly, late Harbour Master, arrears of his salary from 1st to 25th October, 1841	1	12	6	11
" J. Bankier, Master of the Yacht Union, balance of his salary to 31st December, 1842	2	26	6	8
Salaries to the following officers, for the quarter ended 31st December, 1841:				
" The Hon. J. Stewart, Master of the Corporation	£62	10	0	3
" E. B. Lindsay, Clerk and Registrar	37	10	0	4
" E. Boxer, Harbour Master, from the 25th October, date of his appointment.	32	2	1	5
" W. K. Rayside, Assistant Harbour Master.	27	15	7	6
" R. Young, Superintendent of Pilots	41	13	4	7
" R. N. Lindsay, Keeper of Green Island Light House, including one Assistant	31	5	0	8
" J. Wallace, Keeper of Pointe des Monts do. including one do.	31	5	0	9
" J. E. Hammond, Keeper of South-west Point of Anticosti do. including two Assistants	40	0	0	10
" B. S. Lafleur, Water Bailiff	6	5	0	11
PENSIONS:				
" John Lambly, late Harbour Master, from 25th October, when he was pensioned, to 31st December, 1841	49	12	8	12
" Salaries and Pensions to the above, for the quarter ended 31st March, 1842	13	301	7	8
" Do. do. do. 30th June, 1842, £391 7 8	14	5	0	0
" Charles St. Laurent, 3 months pension to do.	5	0	0	15
" Do. do. to 30th September, 1842	16	306	7	8
		£	1582	15 3

(Signed) E. B. LINDSAY,  
Trea. Trin. Ho. Quebec.

Trinity House, Quebec, 31st December, 1842.

GOVERNMENT in account with E. B. Lindsay, Treasurer to the Commissioners appointed for the erection of Light Houses on the Gulph and River St. Lawrence.

DR.		CR.	
1836.		1835.	
	£ s. d.		£ s. d.
For the following sums of money paid on account of the Light House erected on the East end of the Island of Anticosti, since the 6th Nov. 1835, viz:		Nov'r 6..	By balance due Government, as per Treasurer's account rendered this day
Jan'y 20.. To cash paid J. Haram, cartage of lead	1 0 17 4		110 0 0½
23.. To do. Dr. Rowley, medicines for men in charge of the Tower	2 1 10 0	1836.	By net proceeds of a sale of a horse, cart and harness, received from Cochrane & Co.
Feb'y 26.. To do. A. Morrison, storage of lantern and apparatus	3 12 13 0	March 2..	By price of two barrels salt, returned to A. Robertson from the provisions brought by Mr. Brown, Architect
Aug't 13.. To do. Joseph Tinkler, balance of D. McMillan's wages as one of the men in charge of the Tower, up to 6th July, 1835	4 14 1 8	Aug't 17..	By cash from Mr. Jefferys for lead, through Mr. Brown
1838.			
Sep't 25.. To do. M. Donelly, one of the workmen employed by C. Chateauvert in erecting the Light House, balance of his wages	5 26 14 4		
To balance due Government, in the hands of the Treasurer	73 1 0½		
	£ 128 18 1½		£ 128 18 1½

Approved,  
(Signed.) J. STEWART, Master.  
H. LEMESURIER, Dy. Master.  
ROBT. YOUNG, Sup. Pilots.

E. E.  
Quebec, 31st December, 1841.  
(Signed) E. B. LINDSAY,  
Trea. Trin. Ho. Quebec.

Appendix (E.)  
2nd October.

DR. GOVERNMENT in account with E. B. Lindsay, Treasurer of the Trinity House, Quebec.

CR.

1838.		£	s.	d.	1836.		£	s.	d.	
October 8..	To sundry provisions purchased from the undermentioned persons for the depôts on Pointe des Monts and the Island of Anticosti:				Decr 20..	By balance of account rendered this day.....				
Nov'r 12..	" " W. H. Roy.....	1	7	0	" "	" Amount received from L. O. Gamache, Keeper of dépôt at West Bay, Anticosti, for 2 barrels pease, £1 15 0, and 3½ barrels flour, £7.....	124	2	5	
August 20..	" " R. Latham.....	2	97	12	1839.	[These provisions expended by him out of the dépôt during last winter.]	8	15	0	
Nov'r 14..	" " W. H. Roy.....	3	103	18	August 6..	By balance from Charles Pinet, for 1 barrel flour and 40 barrels pork, by him obtained from the dépôt at Pointe des Monts, 23rd November, 1838.....	2	18	3	
July 24..	" " C. A. Holt.....	4	92	13	19..	" Amount of Sir John Colborne's warrant, No. 754, for £180, sterling.....	200	0	0	
Dec'r 22..	" " Ant. Hamel, one barrel of flour by him furnished to B. Bradley, Keeper at Heath Point.....	5	1	11	Nov'r 21..	" Amount from L. O. Gamache, for 150 lbs. pork which appear to be wanting at the dépôt under his charge.....	2	5	0	
	" " C. A. Holt.....	6	25	13	Dec'r 11..	" Amount from Capt. Richardson for 200 lbs. pork had by him from the dépôt at Pointe des Monts.....	£3	0	0	
	" " Do. ....	7	32	13		And 3 barrels flour taken by him from the old provisions brought up from depôts in September last, at 28s.....	4	4	0	
	" " W. H. Roy.....	8	2	16	1840.		7	4	0	
	" " Do. ....	9	3	0	May 16..	" Amount from J. Wallace, Keeper on Pointe des Monts, for the following provisions by him had out of the dépôt at that station, viz:				
	To balance due Government.....	9	76	3	1840.	800 lbs. flour, at 28s. per barrel.....	£5	17	4	
						140 lbs. pork, at 60s. per 200 lbs. ....	2	2	0	
					November 5..	" Amount from A. Hamel, Keeper at Shallop Creek, for 1 barrel of pork short on 30th July last.....	7	19	4	
					Dec'r 11..	" Amount of proceeds of sales of old provisions brought up from the depôts in 1839, received from J. M. Fraser & Co. ....	4	0	0	
					Sept'r 1..	" Amount received from James Smith, of the Cumberland Lass, for 3 barrels flour and 10 gallons pease, lately furnished from dépôt at Pointe des Monts.....	80	9	0½	
							5	10	0	
							£	443	3	0½

Quebec, 31st December, 1841.

(Signed,)

E. E.

E. B. LINDSAY,

Trea. Trin. Ho. Quebec.

Appendix (E.)  
2nd October.

Appendix (E.)  
2nd October.

Dr.

GOVERNMENT in account with E. B. Lindsay, Treasurer of the Trinity House of Quebec.

Cr.

1842.	1841.	1842.	1841.
March 1... To cash paid F. X. Methot & Co.'s account for steelyards...	Dec'r 31... By balance of account current rendered this day, for monies received and paid for provisions sent to depôts.....	£ 4 2 6	£ 76 3 6
Dec'r 30... " " Jas. Gill's account for provisions sent to depôts in November last .....	October 25... By cash received from L. O. Gamache, Keeper at West Bay, Anticosti, for provisions deficient in dépôt under his charge.....	£ 25 0 0 £ 49 11 11	£ 2 10 11
To balance due Government .....		£ 78 14 5	£ 78 14 5

Quebec, 31st December, 1842.

E. E.

(Signed) E. B. LINDSAY,  
Trea. Trin. Ho. Quebec.

Dr.

CUL-DE-SAC.

Cr.

1842.	1842.	1842.	1842.
January 26... To cash paid B. S. Lafleur, assisting in removing fence, &c.	January 9... By cash for dock dues collected during quarter ending 10th instant .....	£ 3 0 0	£ 27 19 9
" " " P. Julien, for altering fence and wharf.....	" " Do. do. ending 1st instant .....	£ 17 15 0	£ 27 13 6
February 2... " " H. Henning, repairing fence.....	" " Do. do. ending 31st instant .....	£ 1 5 0	£ 61 1 9
" " " " J. Bowden, 3 months allowance for cleaning Cul-de-Sac, to 11th January last .....		£ 6 0 0	
April 11... " " Do. do. to this day.....		£ 6 0 0	
July 20... " " J. Bennet, allowance for do. to 11th inst.....		£ 5 5 4	
Sept'r 7... " " F. Fanary's account for white-washing .....		£ 1 10 0	
Dec'r 17... " " G. Gaden, for work done in Cul-de-Sac.....		£ 4 0 0	
27... " " H. Henning, repairing fence.....		£ 0 12 6	
29... " " Assessment on Cul-de-Sac for 1842.....		£ 5 0 6	
To balance.....		£ 66 1 8	
		£ 116 15 0	£ 116 15 0

Trinity House, Quebec, 31st December, 1842.

(Signed,)

E. B. LINDSAY,  
Trea. Trin. Ho. Quebec.

Appendix (E.)  
2nd October.

# REPORT

OF THE

# COMMISSIONERS

APPOINTED TO INQUIRE INTO THE STATE OF THE LAWS AND OTHER  
CIRCUMSTANCES CONNECTED WITH THE

# SEIGNIORIAL TENURE

IN

LOWER CANADA,

AND

# APPENDIX.

---

Laid before the Legislative Assembly, 4th October, 1843,  
and ordered to be printed.

---

Kingston:

DESBARATS & DERBISHIRE, Printer to the Queen's Most Excellent Majesty.

1844.



## SEIGNIORIAL TENURE.

Appendix  
(F.)Appendix  
(F.)

14th October.

4th October.

REPORT of the Commissioners appointed to inquire into the state of the Laws and other circumstances connected with the SEIGNIORIAL TENURE, as it obtains in that part of the Province of Canada heretofore Lower Canada, laid before the Legislative Assembly, by Message from His Excellency the Governor General, on the 4th October, 1843.

To His Excellency the Right Honorable Sir Charles Bagot, G. C. B. one of Her Majesty's Most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, the Commissioners appointed by Your Excellency, to inquire into the Feudal and Seigniorial Tenure of lands, in that part of the Province of Canada called Lower Canada, in pursuance of an Address of the Honorable the House of Assembly, of the 7th September, 1841, have the honor to represent to Your Excellency :

That, in pursuance of the Commission appointing us Joint Commissioners for the purposes therein set forth, and of the instructions accompanying it, we have, with all possible diligence, and to the extent of the powers reposed in us, proceeded in the investigation of the subjects submitted for our inquiry.

Before proceeding to submit to Your Excellency the result of our examination of the important subjects which have engaged our attention, we beg to refer Your Excellency to a preliminary Report, dated the 29th day of September last, in which we had the honor to inform Your Excellency that, owing to the limited powers conferred on us, it was wholly out of our power to report upon many of the subjects pointed out in our Commission, as we possessed no means to compel the attendance of persons, and the productions of papers essentially requisite for enabling us to lay before Your Excellency correct information touching many of the subjects of our investigation, and, in fact, that full and satisfactory information, on some parts of the subject, which the Honorable the House of Assembly had a desire to obtain, as expressed in our Commission.

Since that period, we have been honored by a communication from the Honorable Mr. Secretary Daly, by the command of Your Excellency, informing us that the powers adverted to in our preliminary Report can only be conferred by Parliament, and requiring us to transmit to Your Excellency the result of our investigations under the limited powers conferred on us.

We therefore respectfully beg leave to submit for Your Excellency's consideration, this our Report, containing our views on the momentous subjects proposed for inquiry, and exhibiting the nature and extent of such information on those topics as we have been enabled to procure.

The several matters, submitted for enquiry by our Commission, may, for the sake of perspicuity and more easy elucidation, be arranged under the following heads :

1st.—To make the necessary examination and search into all Public Records and Notarial Acts, from the time of the settlement of the country, and to establish, for several distinct periods, the true conditions on which grants of land in Seignior have been made by the Crown, and on which lands have been conceded *en arrière fief ou en censive (roture)*, and to collect all other requisite information connected with the said subject, and to inquire into the laws which have from time to time governed and now govern the said tenures.

2nd.—To inquire generally into the present working of the system, by proper investigations into every section of Lower Canada, in a number of Seigniories indifferently chosen, for the purpose of ascertaining, as far as possible, the present rents, dues, reservations and charges of any kind.

3rd.—The probable quantity of unconceded Seigniorial Lands in the Province, and their quality and value, and also the quantity of land conceded but not improved.

The value of Seigniorial Mills in the Province.

The annual average value of *lods et ventes* paid or accruing thereon.

Lastly. To consult the Seigniors and *censitaires* respectively, upon the most proper and equitable means of effecting by Law a commutation of the Seigniorial and Feudal Tenures, (such commutation being founded upon a due regard to the rights and interests of all parties) and also of the most proper means of effecting an arbitration in cases where it may be required.

Upon the first subject:—

Having had the advantage of consulting a great number of grants of Seigniories in this Province, as well from the *Compagnie de la Nouvelle France*, as from the Crown, from the earliest period down to the Conquest of the Colony, we have found that, although the settlement of Canada under the French Crown was, as to the tenure of land, established upon the Feudal System, and, although Military Service, necessarily for the purposes of defence, did exist in the Colony, yet this obligation was not an express condition in those grants, nor was the Seignior invested with many of the odious and offensive rights and privileges which characterize the Feudal Lord in Europe.

The colonists have emigrated from that part of the Mother Country, in which the customary Law prevailed, where the principle, as to land, of *mille terre sans Seigneur* was recognized, it was natural that a like tenure should be introduced to regulate the rights and obligations of those who should become possessed of the soil, modified, however, by reason of the different circumstances which marked, and the opposite spirit and sentiments which animated, the establishment of the feudal relations in France and in this Country, in the one, the motives being the love of conquest and military glory; in the other, the pacific diffusion of civilization and of the light of the Gospel.

It will thus appear, that many of the earliest grants were made to Religious Bodies, and were avowedly bestowed on them for the purpose of reclaiming the natives from barbarism and converting them to christianity.

Under this tenure the Superior Lords and immediate grantees of the Crown, exercised some sovereign powers within the limits of their Seigniories.

They held the power of *Haute Moyenne et Basse Justice*, and all the privileges appertaining thereto, which comprised the holding of Courts of Justice, yielding certain emoluments, the right to all confiscated or forfeited estates, the right of all property escheating *pro defectu hæredum*, or from other causes, and to all waifs, estrays and treasure trove.

Appendix  
(F.)

4th October.

The exclusive rights of trading with the Indians, and of fishing and hunting within the limits of the Fief, was also expressly conferred on the grantee.

In this way, large tracts of land were granted by the Crown, or by the *Compagnie de la Nouvelle France* while it held this country en *Fief et Seigneurie*, upon condition of the performance of certain services and obligations which we shall now proceed to consider.

With but very few exceptions, these feudal grants were made subject to the provisions of the Custom of Paris, and imposed on the grantee the obligation of performing fealty and homage to the King, or his representative at the Castle of St. Louis, in Quebec,—of making his *aveu et dénombrement*, that is to say, to render a true statement of his title, the extent of his Fief, setting forth its dependencies and prerogatives,—whether he had a right to hold Courts of Justice, of the amount of fees incidental to his jurisdiction, of the fines and other rights to which he was entitled; of his manor house, the lands of his domain, the quantity and quality of his arable, meadow, pasture and wood-lands, the revenue of his domain, and the improvements and buildings on his domain, the annual amount of the *cens et rentes* and other dues, with the number and names of his *censitaires* or others subjected to pay rent to him, and the extent of the concessions, the rights and services he owed on account of his Fief, whether he had the right of compelling suit at his mill, and a particular designation of the *arrière fiefs* or subfeudations; how he became possessed of his Fief or Seigniori, whether by succession in the direct or collateral line; by purchase, gift, or otherwise.

The only pecuniary right due, under the Custom of Paris, by the vassal to the Crown, is the *Quint*, which is the fifth part of the price of sale of the Fief or Seigniori accruing upon every mutation of ownership of the *Fief*, by sale or contract equivalent to sale (but not in case of succession and donation in the direct line), and payable to the Crown by the purchaser on his rendering fealty and homage.

In all cases of collateral inheritance, or of legacy or donation to collateral relations or strangers, the Custom of Paris gave to the Crown one year's revenue (*relief*) of the Fief; but this right has not been claimed or enforced in this Colony.

It is however to be observed regarding lands governed by the Custom of *Vexin le Français*, under which custom some few grants were made at a remote period, and one year's gross revenue of the estate was payable instead of the *Quint*, and thus under every change of ownership without any exception.

It was competent to the Crown to exercise the right of pre-emption, *Retrait*, or *jus retractus*, within forty days after notice of the sale, upon reimbursing to the purchaser the price and all the costs and charges.

These may be considered to be the legal and inherent conditions of the grants of most of the Fiefs and Seigniories.

But there were some few Seigniories, granted by the India Company and the *Compagnie de la Nouvelle France*, under less onerous conditions than those arising from the Custom of Paris, such as the payment of a medal of half an ounce or one ounce of gold, *une maille d'or*, to the Company in lieu of the *Quint*. The Fief of Beauport was granted on this condition in the year 1675.

In addition to the grants in Fief and Seigniori above mentioned, it may be observed that there are two instances of grants *en franc aleu noble*, made by the French Crown to the Order of the Jesuits, viz: Charlesbourg in the District of Quebec, and another in Three Rivers.

The above obligations may be considered to be inherent in every grant from the Crown, and imposed upon all Feudatories under the Custom of Paris.

But, independently of these legal burthens, the grants from the Crown appear, for the most part, to have contained the following specific reservations and conditions:—

1st—The obligation to do Fealty and Homage.

2nd—Payment of the usual rights and dues according to the Custom.

3rd—The preservation of all Oak timber for the construction of His Majesty's Ships.

4th—To make known to the King the discovery of all mines, ores and minerals.

5th—That appeals from the Seigniorial Courts should be made to the Provostship of Quebec.

6th—To build a habitation on the land and to dwell there, *tenir feu et lieu*, and to cause his sub-feudataires and tenants to do the same.

7th—To clear and settle the land or cause it to be cleared and settled without delay.

8th—To suffer all roads necessary for public utility to be made.

9th—To concede to tenants, *à titre de Redevances*, lands of not less extent than one arpent in front by thirty or forty in depth, and to insert similar clauses in their concessions to their sub-feudataires and tenants.

10th—To permit the beaches to be free for all fishermen, with exception of such part as the Seignior should have occasion to use for his own fishery.

11th—To suffer the occupation, by the Crown, of all land necessary for the construction of Forts, Batteries and Public Works for the use of the King, together with the right of taking all the timber necessary for the construction thereof, and firewood for the Garrison, and this without entitling the grantee to any indemnity.

In some of the grants from the Crown of more recent date, that is after the year 1711, it was made a stipulation that the Seigniors should concede to their tenants at the accustomed rents and dues, *cens et rentes et redevances accoutumés*.

These conditions, charges and reservations are contained in almost all the grants from the Crown, some of them being essential to the Seigniorial Tenure itself, and others rendered expedient for promoting the speedy settlement of the Country and advancing its prosperity.

Apart from those regulated by the Custom of Paris, partially brought into force on the first settlement of the Country, and universally adopted after the surrender by the Company of New France of its rights to the Crown, the other above-mentioned conditions and obligations were more clearly defined, reiterated and enforced by the Edicts and Ordinances of the French Kings promulgated from time to time, according to the exigencies of the Colony.

These latter remarks we would particularly apply to all grants and concessions made by the French Crown after the surrender to it, by the Company of New France, of all its rights and territory, and the creation of the *Conseil Supérieur* at Quebec, under the Edict of 1663, which grants were all made according to the Custom of Paris.

The obligation to grant out the land to applicants, in suitable parcels, is a permanent feature of all the Grants by the Crown after 1663, and in conjunction with contemporaneous legislative measures hereafter mentioned, evinces how anxiously and perseveringly the French Government pursued its policy of rapidly extending the settlement of the Colony, and of diffusing its population over a large surface.

It was incumbent on the Seignior to parcel out his Fief to settlers, reserving a mere *reditus* or rent; he was bound to commence and effect the settlement of his Territory within a certain limited period, in default of which his Estate escheated to the Crown. The views and intentions of the French Government in this respect may be gathered from two Edicts or Declarations of the King, the first of which is dated in March 1663, immediately after the surrender of the *Compagnie de la Nouvelle France*, of its rights to the Crown, by which all Grants whereon no settlement had

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been made, were cancelled and revoked; and the second in June 1675, by which all Grants of too great an extent of land were revoked, and the Intendant Duchesneau was ordered to make new Grants of less extent, to such persons as would undertake to settle on them.

These Edicts were followed by the declaration of the King of France, dated in April 1676, granting power to Messieurs DeFrontenac and Duchesneau, to concede Lands for settlement, upon the express condition that such concessions should be laid before the King for confirmation within a year from their dates, and that the Lands should be in fact settled and brought under cultivation within the period of six years, otherwise the said grants and concessions should be null and void.

The Arrêt of the 6th July, 1711, the general instructions given to Governors of the Colony to hasten its settlement, and the more specific and stringent obligation, imposed in subsequent grants of *fiefs*, to settle and concede hereafter referred to, manifest a continuance of the same policy in the Crown of France.

From these Edicts, Arrêts and Ordinances, it appears obvious that, although the granting of Lands by the Crown, under the Feudal and Seigniorial Tenure, may in the first instance be considered to have been attended with the creation or introduction of the rights, immunities and advantages incident to that Tenure as it existed in France,—yet, by means of those Legislative measures, made while that system of proprietary relations was developing in the Colony, and of the terms of the Grants themselves, the respective rights and obligations of the Seignior and Vassal underwent much modification, and express enactments defined the exact nature and extent of the rights of the Grantees of the Crown, and the obligations by them assumed upon their investiture with their several possessions.

In truth, the modifications so effected, restored the Tenure, as between the Lord and Vassal, to the condition in which it appears to have existed at an early age in the parent country, when the protective Colonial policy of the Roman Empire, under nearly similar relations, was adopted by the Frank Conquerors, and incorporated in their system of law.\*

These provisions we shall have occasion to use more at length when we come to treat of that branch of the subject which more particularly concerns the duty of the Seignior to concede Lands within his Fief.

Generally speaking, the conditions contained in the Grants from the Crown, whereby the Seigniors are required to concede Lands to applicants, are not marked by any essential difference; but there are a few which contain an express declaration that the grantees should concede at the usual and accustomed rates, *cens et rentes et redevances accoutumés*, and in one particular instance, namely, that of the Royal Grant to the Seminary of Montreal of the Seigniorry of the Lake of the Two Mountains, dated 17th October, 1717, the rate at which every concession shall be made is prescribed, viz:—twenty *Sols* and a Capon for each arpent in front by forty arpents in depth, and six *deniers* (a farthing).

This is the only instance which has come to our knowledge, after a most diligent search, of specification in the Royal Grants of the rate of *cens et rentes* at which the Seignior shall be bound to concede his lands.

The conditions upon which Grants from the Crown were usually made have thus been pointed out, at least as to such as were expressly contained in the Royal Grants, or were imposed by the Custom of Paris, under the influence of which those Grants were made; but, in order the more justly to appreciate the spirit of the essential terms upon which Seigniors were bound to concede their lands to applicants, constituting a prominent object of our inquiry, it

\* See Cod: Theodos:—Lib. v. tit. 4. Const. 3. Cod: Justinian, Lib. XI. tit. 48. l. 5. 20, 23. tit. 49. l. 1. Savigny on Roman Colonies in his Law Journal, vol. 6. p. 273, 320. Guizot. Histoire de la Civilization en France, vol. III. p. 388 to 402. vol. IV. p. 2. 22. Henrion de Pansey,—Dissertations Féodales, v. cens. § VI. vol. 1. p. 270.

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becomes necessary to consider somewhat at large, the legal enactments touching this obligation to concede, and the judicial decisions interpretative of them.

It appears to us sufficiently obvious that, between the year 1663, when the French Crown became re-invested with full Sovereignty over this Country, and the year 1711 when the Edict hereafter mentioned was promulgated, some of the Seigniors had violated the trust reposed in them, by exacting, from the applicants for uncultivated lands, a price, in addition to the usual rent, as consideration for concessions *en roture*; an abuse repugnant to the views and intentions of Government, and calculated to retard the settlement of the Country.

In our estimation, the Royal Grants involved a Trust to re-grant such of the land as might be in an uncultivated state, *en bois de bout*, in parcels, to actual settlers, upon certain moderate rents, that is, *à simple titre de redevance*, without its being in the power of the Seignior to demand any money whatever, in the way of capital, for the concession.

This Rent, *redevance, cens et rentes*, carried with it the right of *lods et ventes*, being a mutation fine levied by the Seignior upon every sale of the land or transfer of it equivalent to sale, of one-twelfth of the price or consideration of such conveyance.

This alienation fine is incidental to the Seigniorial Tenure of land, and is the legal consequence of a recognitive rent, called *cens*, being stipulated or reserved in the Deed of Concession, and was intended to be a source of revenue to the Seignior.

The right of *Banalité de Moulin*, or paying suit to the Lord's Mill, is not incidental to the Seigniorial Tenure under the Custom of Paris, but, in the circumstances of a country under process of colonization by emigrants unable to bear the expense of erecting Mills for their own accommodation, there arose a necessity to provide some means to obviate the evils flowing from this cause, by imposing on the Seignior the obligation to build Mills, for which they should have the corresponding right of compelling the tenants to carry their grain to be ground there, yielding a certain proportion as toll or multure.

This was effected by the Arrêt of 4th June 1686, declaring it to be a right of the Seignior in the realty, and inseparably attached to his fief and Seigniorry. Edits et Ord. Vol. 1. p. 266.

It was, however, provided that this right should be forfeited by the Seignior, if a Banal Mill should not be built within one year after the passing of the said Ordinance, and any *censitaire* or other person, on complying with its requirements, was authorized to exercise this privilege.

Under the Custom of Paris, this right was purely conventional, and could only be claimed by the Seignior under a title.

Although in France the right of *banalité* extended to Mills, Ovens and other matters, it was only exercised in this Colony with respect to Mills for grinding Corn.

According to the principles of the Common Law, and the Arrêts rendered concerning that matter, this right was restricted to the grinding of the Corn consumed within the Seigniorry and did not comprise Corn ground for exportation, or for use without the limits of the Seigniorry.

The Arrêt of the 20th June 1667, provided that the toll or *droit de mouture* should be fixed at one-fourteenth of the Corn ground at the Mill, which was an increase of the rate that obtained under the Custom of Paris. Edits et Ord. Vol. 2. p. 131.

In all other respects, the law was left as it existed under the jurisdiction of the Parliament of Paris.

It was however usual to stipulate the right of *banalité* in Deeds of Concession; but that stipulation did not affect the Arrêt of the 4th of June, 1686, in respect of the obligation of the Seignior to build Mills, which was frequently enforced.

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Upon this point there are many Judgments of the Intendants vesting the right of *banalité* in *censitaires* when the Seigneur had neglected to build the Mill, or had failed to keep one already built in repair and fit for the wants and uses of the inhabitants.

Edits et Ord.  
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Among others on this subject may be mentioned the Ordinance of the 22d July, 1730, the 18th February, 1731, the 10th March, 1734, the 13th February, 1742, the 1st October 1742, and the 12th February 1746, and an Ordinance passed by the *Conseil Supérieur*, on the 1st July, 1675.

This was the law of the Country at the time of the conquest, and which is still in force and effect under the provisions of the 14th George III, hereafter cited.

These may be considered to be in truth the only claims of the Seigneur upon his tenant, sanctioned merely by the Law regulating the tenure in this Colony, considered apart from special conditions, charges and reservations provided for in the original grants of the Seignior and in the Deeds of Concession to the Tenant.

The conditions, charges and reservations expressed in the Deeds of Concession *en roture*, with the exception of the *reditus* or *cens et rentes*, the rights of *lods et ventes* and *banalité*, are therefore purely conventional and may be considered obligatory on the tenant, unless they are repugnant to some Edict, Arrêt, or Ordinance.

What conditions, charges and reservations may be deemed questionable, on the score of legality, will be a matter of discussion in a subsequent part of this section.

With regard to such conditions and reservations in the Deeds of Concession to *censitaires*, as secure certain advantages to the public, in accordance with the corresponding clauses in the Royal Grants to the Seigniors, no observation appears requisite; they are obviously legitimate and binding on all parties.

By many of the Royal Grants of Seigniories, although not in all cases, it is made imperative on the Seigniors to parcel out their Fiefs in grants *à titre de redevance*, according to the Custom of Paris.

These *redevances* in the parts where that custom prevailed, consisted, 1st, of the *cens* or *reditus* of one half penny, or one penny, recognitive of the Lord's Seigniorial right, *dominium directum*, and was so essential that, without it, no mutation fines could accrue on changes in the ownership of the land.—2d. Of a moderate rent not essential to the tenure, which was variously payable in money, grain, poultry or other products.

From the period of the earliest Concessions, which have come into our hands, made in 1652 by the Jesuits, who held by grants from the Company of New France, down to the year 1663, the date of the surrender by the Company of its rights to the Crown, the rate of *cens et rentes* in the Province was nearly uniform.

See Table in  
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No. 128.

In the Seigniories where the King was the immediate Seigneur, the rates were fixed at one *sol*, *argent tournois*, or one half penny, for every superficial arpent, and a Capon or ten pence, at the option of the Seigneur, for every arpent in front, and one *sol* of *cens*, equal to about six shillings and four pence half penny, for a frontage of three arpents, by a depth of thirty arpents, making ninety arpents in superficies.

This rule would appear to have been much followed during the aforesaid period, and there is ample evidence to shew that, in the District of Quebec particularly, those were the usual and established terms; for we do not find an instance of excess over this rate, while in some cases, a lower rent was agreed upon.

After the cession of the Company of New France of its rights to the Crown, a number of grants were made by the Crown, chiefly to persons who had served in the King's Army and Navy, in some of which the concessions are stated to be made in consideration of the services rendered by the grantees.

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In these Seigniories, comprising, with the exception of the Island of Montreal, and one or two others, the most valuable possessions in the District of Montreal, the rents reserved were nearly uniform, being at the rate of about one penny for every superficial arpent, that is to say, from one to two *sols* for every arpent in superficies, and one Capon of the value of ten pence, or a half bushel of wheat instead, making, valuing the wheat at that time at two *livres* a bushel, about one penny for every arpent of the concession.

Generally speaking, it may be assumed that, upon a grant of ninety superficial arpents, the rents in the District of Montreal exceeded those in Quebec and Three Rivers by about one-fifth.

This rate prevailed until about the year 1711, when it is observable that some changes had taken place in the conditions and reservations, rendering them more burthensome to the Tenants.

These additional charges consisted of reservations of wood growing on land conceded, and the establishment of *Corvées*.

Between the year 1711, the year in which the Royal Edict enjoining on the Seigniors to concede *à titre de redevance* was promulgated, and the year 1732, there is no perceptible or material alteration in the rate of *cens et rentes*, even in the concessions made by the proprietors of Seigniories granted by the Crown after the passing of the said Edict of the sixth July, 1711, the rates of *cens et rentes* No. 128. then general in the Colony being in most instances followed.

See Table in  
Appendix B.  
No. 128.

Nor from 1732 to the year 1759, was the rent materially augmented, except in a few cases; and the rate throughout the District of Montreal may be taken on an average to have been about one penny for every superficial arpent.

It is true that, in many Seigniories in the District of Montreal, the rents were rather higher than in the District of Quebec; but the difference was, in fact, not considerable, and may have been agreed to in consideration of the superior quality of the soil and its productions in grain, and may be ascribed partly to the practice of stipulating the payment of the *reditus* in grain, the fluctuating value of which was more lucrative to the Seigneur than its being rendered in money or capons at a fixed value.

The rent in the District of Montreal was generally one *sol* and one quart of wheat, for every superficial arpent, or one half bushel of wheat for every twenty superficial arpents, although in the Seigniories belonging to religious bodies, capons were generally stipulated instead of the money rent.

The value of such rent may be taken on an average to be about seven shillings and six pence for every ninety arpents, estimating the wheat in all these cases at one shilling and eight pence per bushel, the value set upon it in early judicial decisions.

The appreciation of Wheat, however, underwent a change, for, in July 1742, we find that by a Judgment rendered against the *Censitaires* of Argenteau, they were condemned to pay to the miller of that Seignior, for the wheat not ground at the Banal Mill, at the rate of three *livres*, equal to two shillings and six pence a bushel.

Edits et Ord.  
V. 2. p. 81.

In some instances, the rent was payable in so many *minots* of wheat for the whole concession, in others a pint or quart or *pot* for each arpent in front by the depth of the land; while it was often agreed that so much grain should be rendered for every superficial arpent.

Notwithstanding these different modes in which the wheat rent was made payable, it is a remarkable fact, that on a just calculation, the result will be found the same, and the highest rate of concession in the District of Montreal, previous to the conquest, will be found not to exceed one penny for every superficial arpent, valuing the wheat at one shilling and eight pence per bushel.

In corroboration of this opinion, we refer to the Ordinances of the eighth of May and the sixteenth of November, 1780.

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Vol. 2. p. 268,  
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1727, the first rendered on the application of Le Sieur Levrard, Seigneur of Saint Pierre, and the other on the application of Le Sieur Rigauville, wherein the usual and accustomed rates of concession in the whole colony are incidentally mentioned.

But whatever inconsiderable diversity may have existed in this particular between the Seignories themselves, for there did exist a trifling variance, yet, with the exception of three or four cases, there was no difference in the rates of concession in any one Seignory.

The terms, as established by the old concession deeds, continued, without any change whatever, to be the guide and rule on all subsequent grants.

In those three or four excepted Seignories only does there appear, before the year 1759, any departure from the usual rates of concession, and the absence of this change in all the other Seignories must lead to the conviction that, notwithstanding this trifling difference in the rates of concession throughout the Seignories, a uniform rate, founded on the early concessions, was adhered to in each, and attests the vigilance of that branch of the Government to which was confided the execution of the laws, and the accomplishment of the Royal intentions regarding the tenures.

The usages in respect of the rates of concession thus determined and established, continued to be the guide in many of the Seignories long after the conquest in 1759.

Soon after the conquest, a relaxation of these rules and a disregard of the legal obligations of the Seigneur, and in some instances of the *censitaire*, is perceptible, which may in some degree be ascribed to the Proclamation of the King in 1763, whereby it was declared that, from thenceforward, the laws of England should be the rule of decision with regard to the civil rights of the inhabitants.

Many of the Seigniors, believing that the laws, customs and usages in force in the colony prior to the conquest, had been superseded by the English law, considered themselves no longer bound by the old regulations respecting the tenure of their estates, and the granting of the uncleared lands in the Seignories; so that, in many instances, they departed from the established rules and usages, and exacted higher quit-rents, *cens et rentes*, than would have been permitted by the French Government before the conquest.

The *censitaires* themselves, equally anxious to elude the laws binding upon them, and enacted to promote the settlement of the country, forbear to seek grants of wild land from the Seigniors, who were disposed to exact more onerous terms than of old; and, in defiance of the laws which expressly prohibited the subdivision of farms beyond certain limits and dimensions, parcelled out their possessions into portions of ten, twenty or thirty arpents, whereby the population, instead of diffusing itself in the extension of the settlements, became crowded within a smaller space, contrary to the wise policy of the ancient Government.

These abuses, which under the French Government would have been immediately checked by the interposition of the Intendant's authority, were, amid the confusion attendant on the establishment of a new order of things, and the changes supposed to have been introduced by the promulgation of a new system of laws, suffered to prevail; and, although by the Act of 1774, their ancient laws, usages and customs were restored and secured to the inhabitants, becoming thenceforth the settled rules of decision in all civil matters, the wise and beneficent intentions of the old Government in respect of the tenure of lands (a point of the greatest importance to the welfare and settlement of a country) were wholly frustrated, and the Seigniors for ever afterwards continued at liberty to exact rents, and to impose conditions at their absolute discretion.

With the limited information we have acquired, it would be difficult to point out, with much accuracy, the various epochs at which fresh progress was made in infringement of the laws in this respect.

Having in our possession comparatively few concession deeds, no general and positive rule can be laid down ap-

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plicable to the whole Province; but it is sufficiently manifest, from those deeds which we have had an opportunity of consulting, that a change took place almost immediately after the conquest in some Seignories, and that in others a change occurred about the year 1785, and again in 1800.

From the last mentioned period down to the present time, the rates of concession have been progressively augmented in many parts, until, from about one penny per superficial arpent, which was the original rate, the *cens et rentes* have swollen to three pence, and from that rate to six pence, and even eight pence, per superficial arpent.

See Tables,  
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So, also, by means of clauses and stipulations inserted in the deeds of concession, to which nothing parallel can be found before the conquest, the Seigniors, since that event, have diminished the value and extent of the rights and estates of the *censitaires* in the lands granted to them, imposing many burthensome conditions, reserving wood and timber for private uses, as well as all mill-sites, not merely for the lawful exercise of the *banalité*, but for the establishment of all kinds of mills and manufactories.

In France, and particularly under the Custom of Paris, the *cens* and other annual rents and dues were regulated by no express law, but there was a usage as to the amount of the *cens* strictly so called; and indeed, from the earliest times, fixedness of the rate of this rent (*fixité*) would appear to have been a ruling principle. §

The Seigneur was at liberty to stipulate such rents and dues on the alienation of his land as he thought proper; but, although the stipulated additional rents and dues were not contrary to any law, and were clothed with the same lien or privilege as attached to the *cens*, they were not recognized as being founded upon the common law, nor considered essential to the Seigniorial tenure, but were the creatures of positive contract and title.

Thus, although these charges were generally called Seigniorial rights, and as such were secured by the usual privileges in favour of the Seigneur for their recovery, yet the law established certain important distinctions between them.

These rights were therefore divided by Feudists into two classes:—

1st.—The natural or ordinary rights, which the particular custom regulated in the absence of express stipulation.

2d.—Extraordinary rights, foreign to the common law, which were the subject matter of especial covenant.

In the first category were the *cens*, the essential characteristic mark of the direct Seignior established by the common law, and which the local custom indicated as the natural charge upon the land; and the *lods et ventes* or mutation fines, and a certain pecuniary penalty due by the tenant neglecting to exhibit his title of acquisition to the Seigneur.

The other class consisted of numerous burthens and services, such as the *gros cens*, or additional rent, the right of *retractus*, or pre-emption; neither emanating from the common law, but purely conventional.

These rights, arising from contract only, became extinguished upon the judicial sale of the land, unless they were preserved by a legal demand on the Seigneur's part.

They were considered in the light of extraordinary incumbrances upon the land, and, as they were not classed among the charges legally due, a vendor was bound to declare them in order to absolve himself from the obligation of warranty with regard to them, which otherwise he would have incurred.

This was the state of the law under the influence of the

\* See Henrion de Pansey—Dissertation Feodales—Cens: § IX, Vol. 1, p. 275-6.

§ See note anti page 3,

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Custom of Paris when it came to prevail generally in this colony under the Edict of 1663.

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To treat properly the subject of the peculiar regulations which exist in this colony with regard to the Seigniorial tenure, it is necessary to revert to the earliest settlement of the country by the Company of New France.

By a Charter granted to this Company, in 1627, by Louis XIII, the most extensive powers for the purpose of effecting a settlement of the country were given, and the Company were authorized to make grants of land to such persons, in such quantities and upon such terms, as they might think proper for attaining that impartial object.

This Company having introduced the tenure which prevailed in Paris, where it was formed, granted lands to be held in *en Fief et Seigneurie*, on terms and conditions calculated to promote settlements.

These grants were made, for the most part, under the Custom of Paris, although some few were made under the Custom of *Vexin le Français*; and, after the surrender to the French Crown by the Company of New France, in 1663, of all its rights and territories, all grants of land in Fief and Seigniorly were made subject to the provisions of the Custom of Paris.

In 1663, the *Conseil Supérieur* was erected by an Edict of the French King, and it was therein declared that the colony of New France should be governed by the law and custom of the Parliament of Paris; and powers were granted to the said *Conseil* to make laws for the good government of the colony.

In looking to the original grant to the Company of New France, and the Act of Cession of its rights to the Crown, it is apparent that the great object of the French Government was the settlement of the country.

The Company of New France with limited means, although possessed of indefinite powers, had made little progress towards that object, at the time of the surrender of its rights.

Almost all their grants were merely nominal, no actual settlement having been made.

The first act of the Crown on obtaining the cession of the colony, was to revoke all grants in that predicament.

The Edict promulgated by the King on the 21st of March 1663, declared that all grants should be null and void on which no settlement should be made six months after the passing thereof, and granted full power to the Governor and Intendant of the Colony to distribute anew the various Seigniories on condition, however, of actual settlement.

An Arrêt of the 4th June 1672, reduced the concessions already made in the colony to one half their extent, and the lands were distributed again among such persons as would undertake settlements within the period of four years, and in default thereof the said concessions were to be reunited to the domain, ordering at the same time the Intendant Talon to make an exact return to His Majesty of all concessions made in the colony, of their quality and extent, in the number of arpents, or other standard measurement used in the colony, the number of inhabitants, &c. &c.

This Arrêt was followed by another of similar import, dated 4th June 1675; and by the Arrêt of the 15th April, 1676, full power and authority were given to the Governor and Intendant of the Colony to make all concessions upon the condition however of having the said concessions ratified.

To this may be added, on the same subject, the Arrêt of the 9th of May 1679, again diminishing by one fourth the extent of the concessions already made upon which no settlement had been made.

These Arrêts and Edicts are cited more for the purpose of shewing the intentions of the King in making the various grants and concessions, than as establishing any law on the subject; but they are important in their bearing on the

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Edicts promulgated subsequently to this period by His Most Christian Majesty, in relation to the tenure and the conditions on which grants of land in Seigniories should be made.

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Aware of the prevalent belief that there existed an Edict fixing the rate of concession generally at a certain specific amount, we conceived it our duty to make strict search among the Archives of the Province, and the Records of the Provincial Tribunals under the French Government, and a thorough investigation of the whole matter enables us to state our firm conviction that no Royal Edict, or other legislative measure, creating an obligation to concede lands *en roture* throughout the colony at any given rate either in money, produce or commodities, was ever issued or enacted.

We have, however, arrived at the conclusion from consideration of the Edicts, declarations and decisions hereafter referred to, that something nearly equivalent or approaching to such a regulation became established before the conquest.

The before mentioned Edict of the 6th July 1711, is the first legislative Act of the King, made to regulate the concession of lands *en censive*, and to fix the conditions under which it should be imperative on the Seignior to concede them.

By this Edict it was declared that there were many Seigniories in New France in which no settlement had been made, and in which even the original grantees had made no progress towards the cultivation and settlement of the property, and that many Seigniors had, under various pretexts, refused to concede lands to persons offering to perform acts of settlement, with the intention of making sales of the said land, at the same time that they imposed on the grantees the same dues (*les mêmes droits de redevance*) as were imposed usually in concessions; which was wholly contrary to the intentions of His Majesty and the very conditions of the original grants to the Seigniors themselves, by which they were permitted only to make concessions in consideration of rents (*à titre de redevance*); and with the view of avoiding such abuses, for the future, it was ordered that all Seigniors, within a year after the promulgation of the said Edict, should make settlements and concessions in the said Seigniories, in default of which they should be reunited to the Domain of the Crown, and that all Seigniors having lands to concede within their Seigniories should be bound to concede to all persons demanding concessions *à titre de redevance*, on payment of a rent only, and without exacting any money for the same; and that on refusal of the Seigniors so to concede, it should be in the power of the Intendant, on application for that purpose, to make concessions, on the same conditions as were imposed on the other concessions in the Seigniories, (*aux mêmes droits imposés sur les autres terres concédées dans les dites Seigneuries*) which rights and dues should be paid into the hands of the Receiver General of His Majesty's Domain, without its being in the power of the Seignior to demand any dues whatever from them.

This Edict was followed by another of the same date, declaring all concessions made to *censitaires*, on which no actual settlement had been made, to be null and void, and that, on the certificates of the Curate and the Captain of the *Côte*, to that effect, they should be deprived of their concessions.

The intention of His Most Christian Majesty, manifested by the said Edict of 6th of July, was to compel the grantees of the Crown to concede lands on their Seigniories, at a mere rent, without exacting any *bonus* or capital, and that the concessions should be made at the rates already fixed in the Seigniories by former concessions.

Upon this point, no reasonable doubt can be entertained, as full power was granted to the Intendant to make the concessions at the rate already established, in the event of refusal on the part of the Seignior to make them.

This Edict would seem to have determined the principles on which concessions should be made, and, although no rate is in terms mentioned in it, the previous concessions made in the Seigniorly were declared to be the standard for the future.

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That the standard was nearly uniform throughout the colony, will appear by reference to the concessions made by the Seigniors up to the promulgation of the Edict, the rate in no instance exceeding two *sols* per superficial arpent, and in a great many being only one *sol*.

In fact, upon the subject of the rate of concession, no difficulty appears to have existed in the colony, as a usual and accustomed rate was by universal consent acknowledged to be settled; but the great grantees of the Crown endeavoured to violate the conditions of those grants, and, by exacting sums of money for making a concession, to effect sales of their land, contrary to the known laws of the tenure and the very conditions of the grants themselves.

This abusive practice of the Seigniors was, in truth, the origin of the Edict of 1711.

In addition to the evidence to be drawn from the Edict, and the very motives of its promulgation, there is ample evidence to be found in the decisions of the Intendants, both before and after the passing of the Edict, that upon the subject of rates no difference of opinion existed.

The first judgment on record on this subject, is a judgment of the Intendant Mr. Raudot, of the 15th June, 1708, by which it was ordered that the Seignior of Bécancour should concede certain lands to an inhabitant of the name of Perrault, upon the same clauses and conditions, *aux mêmes clauses et conditions*, as were contained in the deeds of the other *censitaires*, and that in default thereof the judgment should be held as his title.

This judgment was followed, after the Edict of 6th July, 1711, by several judgments rendered by the Intendant on the same subject, namely, the judgments of the 15th February, 1716, the 28th June, 1721, the 20th September, 1721, the 16th October, 1721, the 21st February, 1731, the 20th July, 1733, the 23rd January, 1738, and the 23rd February, 1748.

To these may be added, the judgment of the Intendant Begon, of the 11th March, 1723, rendered against the Seignior of St. Pierre, and an Ordinance of the Intendant Dupuy, in the case of the same Seignior (Levrant) rendered on the 8th May, 1727.

The whole of these judgments were founded on the Edicts of the 6th July, 1711, and most clearly demonstrated not only that an accustomed rate of concession was established by universal practice in the colony, but that the Seigniors were bound to concede at that accustomed rate to all persons soliciting concessions: the power to make these concessions, in the event of refusal on the part of the Seignior, being vested in the Intendant.

That this authority was acted upon by the Intendants, is manifest from the Arrêt of the 29th of May, 1713, only two years after the passing of the Edict of 1711, by which the Seignior Duchesnay was prohibited from making any concessions, in the Bourg du Fargy de Beauport, at a higher rate than that of one *sol* for each arpent, and a Capon, to which *redevance* all concessions made by his predecessor at a higher rate in the Seignior were reduced.

This Arrêt may be adduced as evidence of the operation of the Edict of 1711, and of its prohibitory character, with reference to the rates of concession in the Seigniories.

In confirmation of this law of 1711, the Arrêt of the Council of State of the 15th March, 1732, was passed.

This Arrêt is important, not only on account of the positive nature of its enactments, but as explaining and confirming the dispositions of the Edicts of 1711.

By this Arrêt, after recital of the Edict of 1711, whereby the King had declared that, in some of the Seigniories which had been conceded by him, no settlement or habitations had been made, and that if, at the expiration of one year from the date of the promulgation of that Edict, they continued in that unsettled state, they should be re-united to the Domain of the Crown, and that the said Seigniors had been ordered to concede upon a mere rent (*à titre de rede-*

*vance*) and without demanding any sum of money whatever for the concession, and had granted permission to the inhabitants, in case of refusal on the part of the Seignior to concede, to apply to the Governor, Lieutenant-Governor and Intendant, to obtain the said concessions, upon the terms and conditions, (*aux mêmes droits imposés sur les autres terres concédées*) and that the dues accruing therefrom should be paid into the hands of the Receiver General of the King's Domain, to the loss of the Seignior in that respect.

And the recital of another Edict of the same date, whereby the King had declared that the inhabitants, who had obtained concessions, should be held to occupy and inhabit the same (*y tenir feu et lieu*), and in default thereof, that the lands should be re-united to the domain of the Seignior upon the judgment of the Intendants, His Majesty being informed that notwithstanding these Edicts, the Seigniors had reserved in their domain large tracts of country which they sold *en bois de bout* in lieu of conceding only upon a *reditus* or rent (*au lieu de les concéder simplement à titre de redevance*), and that the inhabitants who had so obtained sales of the wild lands, had again sold them to others, thereby making a traffic of the land contrary to the well being of the colony, and it being necessary to apply a remedy to abuses so prejudicial in their effects, did order that, within ten years after the publication of that Arrêt, all proprietors of land held *en Seigneurie*, and not yet cleared, should be bound to make settlements and place inhabitants there to reside, and that, if after the expiration of the said term, such had not been done, that the said lands should be re-united to the Domain in virtue of the said Arrêt, and without any further order: And His Majesty did also most expressly prohibit and forbid any Seigniors or other proprietors to sell any wild land whatever, *de ne vendre aucune terre en bois de bout*, on pain of nullity of the contract, and the restitution of the price thereof, and that the said lands so sold should be re-united to the Domain of the Crown, and further ordained expressly that the said two Edicts of 1711 should be carried into effect according to their tenor.

This Arrêt therefore is a full confirmation of the Edicts of 1711, being even more stringent in its dispositions; and if any thing were wanting to ascertain the principle upon which concessions of land *en censive* were required to be made, the deficiencies may be supplied from this source.

So far from the Estate of the Seignior in the Fief granted to him by the Crown being absolute, free and unconditional, for the sole purpose of his own profit, it may be said, that the land was held incumbered with a species of trust, to promote the speedy settlement of the property:—he was bound to concede upon a mere *reditus*, or rent, without its being in his power to extend the obligation of the *censitaire* beyond that rent.

In the event of refusal, the power to concede upon the rate imposed in the other concessions was given to the Governor, Lieutenant-Governor and Intendant, and as a penalty for not conceding, he forfeited his land to the Crown.

To hold that these were not the true conditions upon which lands *en censive* were required to be made, would be to convert an estate subject to a trust into an absolute freehold; to deny that the Seignior was bound to concede at the usual and accustomed rates established in his Seignior by the old concessions prior to 6th July 1711, would be to frustrate the very ends for which the Edicts and Arrêts had been made.

We can recognize no difference between demanding, for the concession, a sum of money in the nature of a price, and the stipulation of that price in the shape of rent chargeable on the land; in truth, they are identical in their results.

In both instances there would be a violation by the Seignior of the original conditions of his grant, because it would tend to impose more onerous charges than the law of the tenure allowed.

In looking to the latter part of the Edict of 1711 (which may be said to remove all doubts concerning the rate of concession of land in the same Seigniories) we find that it enables any inhabitant, upon refusal of a Seignior to concede

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lands, to apply to the Intendant, who was specially ordered to make the grant upon the same terms and conditions as were imposed upon the other land in the same Seigniorie, (*aux mêmes droits imposés sur les autres terres de la Seigniorie*), thereby most plainly shewing that the rate of concession first established in a Seigniorie was to be a guide for all future concessions in the same Seigniorie, from which no Seignior could depart without a violation of the law.

It may be contended that the Edict applies only to cases wherein the Seignior refuses absolutely to concede his lands for an annual rent whereupon the dues would become payable to the Crown; and that it cannot be extended to the case where the Seignior is willing to grant *à titre de redevance*, although at an increased rate.

The answer to this objection we conceive is obvious.

The end which the Edict had in view, in prohibiting the Seignior from selling his wood-lands, and exacting sums of money in the nature of prices of sales, was the rapid settlement of the country, by placing within the reach of every man, the means of obtaining land, subject only to a small annual rent; and it may be asked whether a departure by the Seignior from the established rule of concession in his Seigniorie, by which it would be in his power to raise his dues without limit, would not defeat the object of the Legislature; he might, indeed, style his grant a concession *à titre de redevance*, but it would differ from a contract of sale only in name.

It therefore follows, that a willingness on the part of the Seignior to concede his lands, but upon terms and conditions more onerous than those already established in his Seigniorie, would have been considered as an absolute refusal to grant, which would have justified any applicant, under the law of 1711, in demanding, from the Intendant, a concession of land upon payment of the same dues as were imposed on the other lands of the Seigniorie.

In confirmation of this view of the subject, it may be again stated that, if it were in the power of the Seignior to raise his dues, his situation would be better than that of the Sovereign, who was bound by the Edict to exact no higher dues than those already established, in the Seigniorie, in those cases where the revenues escheated to the Crown on the refusal of the Seignior to concede.

In conclusion, it is only necessary to advert to the wording of the Edict (*aux mêmes droits imposés sur les autres terres dans les dites Seigniories*), to be convinced that it sufficiently implies an uniform rate of concession in the same Seigniorie, no difference of rates being mentioned by which the grants made by the Intendant for the benefit of the Crown should be distinguished.

If any inhabitant had, at the time this Edict was enacted, a right to obtain a grant of land upon the same terms as any *censitaire* within the same Seigniorie, it is the undoubted privilege of any of the Queen's subjects to obtain the same grant at this day, the Edict of 1711 being still the law of the land.

But incontrovertible evidence of the meaning and operation of this Edict of 1711, and of the Arrêt of 1732, and of the intentions of His Most Christian Majesty in promulgating them, may be gathered from the declaration issued by the King (Louis the XV) and the 17th July, 1743, concerning concessions in the colonies.

This declaration states that authority had been granted to the Governor and Intendants of the colonies in America to make grants of land, for the purpose of promoting the settlement of the colonies, and to re-unite them to the Domain of the Crown in default of settlement, and that full judicial power had been given to them, to the exclusion of the ordinary Judges of the land, to determine upon all contestations which might arise among grantees and their assigns, as well in relation to the validity and the execution of concessions, as to their position, extent and limits; but that no certain rules had been established, as to the form of proceeding, either with respect to the re-uniting to the domain, for want of settlement, or to the course of proceeding

on the contestations arising in relation thereto, nor, as to the course to be pursued in appeals from the Ordinances and Judgments of the Governor and Intendants upon these points, so that different rules and usages obtained in different colonies and even in the same colony.

That for the purpose of removing all doubts and uncertainty upon subjects so interesting, and to secure the repose and tranquillity of families, he had determined to make certain fixed and unvariable rules to guide in all the colonies, as well as to the forms of proceeding to effect a re-union to the domain of concessions when the case might require it, as to all discussions arising thereupon, and the course of bringing appeals from the judgments therein rendered.

In the first article of this declaration it is directed, that the Governor, Lieutenant-Governor, and Intendants of the colonies, or the officers representing them in their absence, should continue to make concessions to the inhabitants who might be entitled to obtain them for settlement, and should grant titles to them on the ordinary and accustomed clauses and conditions (*clauses et conditions ordinaires et accoutumés*.)

This article of the declaration is cited as bearing more particularly on the subject of concession, and as shewing that an ordinary and accustomed rent was then (1743) recognized and acted upon.

It is true, that the whole of the declaration may be viewed more as an *Arrêt de Règlement* in reference to the course of proceeding before the Governor and Intendants and in appeals therefrom, than as a declaration in which any legal enactment in respect of the tenure itself is set forth; yet the terms of the first article cited above, and the express authority and order given to the Governor and Intendants to make concessions upon the accustomed and ordinary rent, in applications made to them founded on a refusal of the Seignior to concede, in our humble opinion, remove all doubts upon the subject, and characterize the Arrêt of 1732, as prohibitory in their operations, and fixing unalterably the reciprocal obligations and rights of the Seignior and *censitaire*. We may therefore be permitted to inquire, what law it was the intention of the Crown to introduce by the Edict of 1663, with reference to the tenure of land, (*les lois et ordonnances de Notre Royaume et y procéder autant qu'il se pourra en la forme et manière qui se pratique dans les ressort de notre Cour du Parlement de Paris*); was it the common rule under the Parliament of Paris in relation to the tenure (*en censive*) and the usual and ordinary quit-rent, *cens*, or was it the intention to give unlimited power, and to permit the Seignior to impose such charges on the land upon its alienation, as he thought proper?

Upon this point, we think that no reasonable doubt can be entertained.

The rule followed by the Crown in its own *censives*, and the rates of concession down to the conquest of this country, afford the most conclusive proof of the intention in this respect; for whatever latitude may have existed, under the Custom of Paris, in the imposition of Seigniorial charges and dues, beyond those incidental to the tenure under the common law rule,\* it is clear that under the operation of the Edict of 1711, and the Arrêt of 1732, certain fixed and unalterable rules were established in the colony to regulate the concession of land, from which the Seignior could not depart.

The fixedness of the rate of rent, as a ruling principle, is manifested in a striking manner by the remarkable fact, that it required the express authority of the King to enable the Seigniors of Montreal to raise the established rent under peculiar circumstances.

These rules were manifestly imposed from the necessity of the case, for if the jurisprudence of the Parliament of Paris in this respect had been allowed to become the law of

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\* See Henrion de Pansey—Dissertation Féodales. v. cens. ubi supra.



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the colony, the intention of the Crown in the settlement of the country would have been altogether frustrated.

In expressing our opinion on this branch of the subject, which we feel to be one of a delicate nature, and involving interests of great magnitude, we have calmly and dispassionately considered the matter as a purely legal question irrespectively of cases of individual hardships, or of what may be deemed vested rights founded on long and uninterrupted possession, or the obligation of contracts.

The Courts of Justice in later days, swayed, no doubt, by these considerations, have for the most part, disallowed the principle of a usual and accustomed rate.

By their judgments they have maintained that the Seigneur had the right of conceding upon such terms and for such rents as he might agree upon with his tenant; and have refused to give relief to the *censitaires* from such conventional burthens.

They have departed not only from the strict letter of the law, regulating the tenure under the French Government, but from the true spirit and policy of that law, and the conditions of the original grants.

And however unfounded the pretension of the Seigneur might have been considered in the Court of the Intendant, he has in the Courts of a later creation invariably been successful in all his contests with his tenants, with the exception of a single instance, which occurred in the Court of King's Bench at Montreal in 1828.

Being of opinion that the Edict of 1711 is still the law of the land, it remains to be inquired whether there resides in any tribunal the authority competent to enforce it.

By the Act of 1774, commonly called the Quebec Act, the inhabitants of this colony were confirmed in all the laws, customs and usages relative to their civil rights; and it was enacted that in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada, as the rule for the decision of the same, and that all causes thereafter instituted in any Courts of Justice, to be appointed within and for the said Province by His Majesty, His Heirs and Successors, should with respect to such property and rights be determined agreeably to the said laws and customs of Canada, until they should be varied or altered by any Ordinances, that should from time to time be passed in the Province by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and consent of the Legislative Council of the same to be appointed in manner thereafter mentioned.

This Act therefore guaranteed to the Canadians their civil rights, and, of necessity, the tenure and the laws regulating the same were fully and unreservedly maintained.

That such was the intention of His Majesty's Government, is apparent on reference to the instructions conveyed to General Carleton, transmitted to him immediately after the passing of the Act above quoted.

The Article 38th of these instructions is in the following terms: "By our Commission to you under our Great Seal of Great Britain, you are authorized and empowered with the advice and consent of our Council, to settle and agree with the inhabitants of our said Province, of Quebec for such lands, tenements and hereditaments as are now or shall hereafter be in our power to dispose of."

"It is, therefore, our will and pleasure, that all lands which are now or hereafter may be subject to our disposal, be granted in Fief or Seignior, in like manner as was practised antecedent to the conquest of the said Province, omitting however in any grant that shall be passed of such lands, the reservation of any judicial powers or privileges whatsoever."

"And it is our further will and pleasure that all grants in Fief or Seignior, to be passed by you as aforesaid, be made subject to our Royal ratification or disallowance, and a due Registry thereof within a limited time, in like

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"manner as was practised in regard to grants and concessions held in Fief and Seignior under the French Government."

From these passages it appears unquestionably that the laws in force at the time of the conquest in 1759 were preserved in all their force; and that, in relation to the tenures of land in the Province, the law of 1711, and the custom which prevailed in the colony prior to the conquest, respecting grants *en censive*, remained to all intents and purposes the law of the land.

We proceed now to consider whether the judicial authority, which was vested by the King of France in the Intendants to enforce the Edict of 1711, can be exercised by any tribunal now in existence in this Province.

Under the Ordinance creating the Court of Common Pleas in this Province, passed in the 17th year of His Majesty George the Third, we think the judicial power of the Intendant was transferred to that Court.

It was the Court erected under that Act to decide controversies respecting the property and civil rights of the colonists; and, although the legislative powers vested in the Intendant could not, consistently with the principles of the new Government, be delegated to that Court, yet all the jurisdiction of that officer exercisable for the protection of the civil rights of the subject, was transferred to the new tribunal; and by the 34th George 3rd, establishing the Court of King's Bench in this Province, and repealing the 17th George 3rd, the judicial powers of the Intendant are expressly given to that Court, to be exercised in the most full and ample manner.

Under these circumstances, therefore, we consider that the Court of King's Bench now established has full power and authority to enforce the Edicts of 1711, with the Arrêt of 1732, and to carry out the jurisprudence established before the conquest.

Having reviewed the laws of the Seigniorial Tenure as they existed under the French Government, and as they continue to exist in the Province of Lower Canada after the conquest, it becomes our duty to advert to the alterations which these laws have undergone by legislative enactments.

The first provision affecting the law of tenures in this Province, is to be found in the Imperial Statute of 3 George IV, chapter 119, intituled, "An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces."

The chief part of this law concerns the revenue, but the thirty-first and thirty-second sections affect the Seigniorial tenure of land.

The defects of this Act were however soon perceived, for, as it was limited in its provisions to commutations between the Crown and the Seigneur, or between the Crown and its grantees *en roture*, the *censitaires* in many of the Seigniories were left wholly unprotected, and were doomed to live under a tenure which they might consider of a most burthensome and odious character, while the Act gave to the Seigniors an absolute and unconditional property in the ungranted portions of their Fiefs, in direct violation of the wise and beneficent intentions of the Edicts of 1711, and the Arrêt of 1732, and the Declaration of 1743, by which, as we have already shewn, the Seigniors are bound to grant lands to such persons as apply for them, subject only to the accustomed rents and dues.

To remedy the defects of this Act, and to provide for a commutation between the Seigneur and *censitaire*, another Act was passed by the Imperial Parliament, in the sixth year of His late Majesty George the Fourth, intituled, "An Act to provide for the extinction of Feudal and Seigniorial Rights, and burthens on land held *à titre de fief et à titre de cens*, in the Province of Lower Canada, and for the gradual conversion of those tenures into the tenure of Free and Common Soccage, and for other purposes relating to the said Province."

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Under this Act, the most objectionable part of the Act 3 George IV, whereby the Seigneur is clothed with an absolute and uncontrolled property in the wild lands of his Seignior, not only stands unrepealed but is confirmed.

On the legitimacy of these enactments, it is not our province to comment; but we are gratified to find the views we entertain, regarding the vesting in the Seigniors of an absolute freehold estate in those unconceded lands, are supported by the authority of an Address of the Honorable House of Assembly of Lower Canada to His Excellency the Governor in Chief, presented in the Session of 1824.

The concluding part of that Address is in the following terms:—"That the unconceded lands held by the Seigniors *en Fief* in this Province are held by them subject to be regranted to any applicant engaging to settle thereon, subject only to the accustomed dues and conditions, and that it is on grants of those lands that the cultivators of the soil in this Province depend for the settlement of their children, the said cultivators and their children having a legal right to obtain such grants.

"That any arrangement made under the said Act 3 George IV, between His Majesty and the holders of such waste lands in Fief and Seignior, would be to deprive a third party of an equal right which is beneficial to the individual, advantageous to the community, and guaranteed by the capitulation of the colony, and by the Act of the fourteenth year of the Reign of His late Majesty.

"That this House conceiving that it is a duty incumbent on it, in so far as may depend upon this House to protect every right of its constituents, humbly represent the matter to Your Excellency, and pray that, in any conditions, which may be imposed on any Seigneur surrendering lands under the said Act, to obtain a grant thereof in Free and Common Socage, such conditions may be imposed on such Seigneur in conformity to the said Act, as may preserve entire the right of the subject to a grant of the said waste lands, at the usual *redevances* or dues and conditions."

We come now to the second branch of the subject of our investigations, namely, as to the present working of the Feudal and Seigniorial Tenure in this Province.

In stating our views on this branch of the inquiry, we must necessarily proceed on the assumption that the exorbitant pretensions of the Seigniors, at the present day, are just and founded in law as now administered.

Taking this for granted, it cannot be denied that this system of tenure is in many respects vicious and is productive of extreme injury.

The dues and services exacted, without considering the more common abuses, are oppressive to the land owner, not only from their variety, but from their nature.

The pecuniary dues of the *consitaire* are, in many instances, more than he can liquidate; while the reservations to which he was forced to submit by his lord, deprive him of the free use of his land as proprietor. He is, in many instances, subjected to fines for neglect of certain services, in some cases of mere form by which his condition is fettered.

Instead of being able to add to his resources by developing such advantages as his soil or its natural position may present in the free exercise of mechanical skill, he is bound to the land for the mere purpose of cultivation, and is dependent on its returns for a precarious subsistence.

Thus, if he be possessed of a mill-site, or a spot of land favorable to the construction and operation of machinery, he is prohibited from using it. The reservations contained in his deed of concession deprive him of the advantage of it, except at a heavy cost. If his crops fail him, he may be kept in a state of indigence, although able and willing to better his condition by mechanical pursuits. He is thus kept in a perpetual state of feebleness and dependence. He can never escape from the tie that binds him and his

progeny forever to the soil—as a cultivator he is born, as a mere cultivator he is doomed to live and die.

By these means, all progressive improvement in the country is checked; its resources for advancement in the arts of civilized life are in the hands of the Seigniors, and they may alone reap the advantage. But even in the limited sphere of action allowed to the *consitaire* under this tenure, he is controlled.

The odious claim of *lods et ventes* or the mutation fine of one-twelfth, eight and one quarter per cent on the price of his farm, which he is bound to pay on every mutation of property by sale, or act equivalent to sale, not only diminishes the value of his property but checks the spirit of enterprise.

This fine is levied on his improvements, thereby taxing his industry to an unlimited extent. The right to *lods et ventes* is unquestionably legal; but its injurious operation is not the less felt.

Although principally oppressive in towns and villages, it paralyses the whole country by its influence, for, by affecting property in the towns and populous villages, the seats of wealth and intelligence, its baneful operation is extended in every direction.

The demoralizing effect of this right is unquestionable; because, to avoid its payment, the *consitaires* frequently resort to frauds, often involving in their consequences the crime of perjury. This is an event, at any rate in the District of Montreal, of no unfrequent occurrence, and as the value of property becomes augmented, too likely to be continued.

In addition to these, are the rights of pre-emption, *retrait*, and *corvée*, or days labour, impeding in some degree the improvement of the country: the *retrait* when misapplied preventing the free conveyance or transfer of property, and the *corvée* being odious and humiliating to the man.

This right of pre-emption may be rendered most oppressive. It not only gives rise to great abuses in respect of the tenant, by frustrating and interfering with his most cherished plans of amelioration, but it opens the door to exactions on the part of the Seigneur, against which it is wholly out of the power of the tenant to protect himself, by enabling the Seigneur to demand any sum he pleases for relinquishment of his right, under the name of a mutation fine.

This is no unfounded charge, for there exists evidence of such abuse in some cases.

The right of *corvée* is hateful in the eyes of the *consitaires*, and it is a badge of servitude.

In many instances these *corvées*, at the execution of *titres-nouveaux*, have been illegally superadded to the contents of the original deeds of concession.

We cannot overlook a stratagem of which some Seigniors, as we are informed, have availed themselves to elude the law prohibiting the sale, by the Seigneur, of uncleared lands on their concession for rent with an additional *bonus*.

The mode of proceeding to attain this object is by making a fictitious concession to an agent or friend, who forthwith sells the land and pays the price to the Seigneur.

Besides the burthens above mentioned, there are in many Seigniories, the prohibitions to build mills, the right of appropriating six arpents for the erection of any mill by the Seigneur, and this without indemnity for the land, but paying for improvements only; should there be any; the right of taking all timber, such as pine, oak and saw logs, all stone, sand and materials necessary for building, and this without indemnity; the right of changing the courses of all streams over rivers for manufacturing purposes, and the right of ferry over rivers. It is even made the subject of covenant, in some early concessions, that the tenant shall have the privilege of using any wood on his land which he may require for his own use.

These reservations are past comment; no system can

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be devised better calculated to keep a man in perpetual subjection. Under it, all the generous emotions of his nature are stifled. Thus he gradually becomes impoverished; he toils through existence without the hope of relief, and transmits to his posterity a worthless inheritance. Under the operation of such a tenure, his right of property may become a mere delusion; as a moral being he is degraded, and his position is one of perpetual dependence.

Let us now consider the means which the laws afford to the Seigneur for the recovery of his rights, and the practical consequences of the exercise of such legal remedies.

To secure these rights, the law awards to the Seigneur an especial privilege. He is entitled to claim on the estate of his vassal, a preference over all persons. He can recover arrears of *cens et rentes* for twenty-nine years. These arrears are not only secured by a privileged lien on the land on which they accrued, in preference to all other persons, even to the vendor of the soil, but operates as an incumbrance on all the other possessions of the grantee from the date of his concession deed. For the recovery of his *lods et ventes* he is equally preferred, and it frequently happens that for arrears of that right, he sweeps away the whole of the money arising from the sale of the farm. The tenant is also subject to an action at law for each of the rights and services due under his concession. Although the amount of such dues in money may be trifling, they have hitherto been deemed recoverable in the highest Courts of the Province.

As the dues are charged upon the land itself, a judgment must be there obtained to enable the Seigneur to bring it to sale, and obtain payment. Thus the tenant is liable to heavy costs for the recovery of a sum which, but for the nature of the debt, would have been the subject matter of a suit in a Court of inferior jurisdiction.

An instance of the mischievous tendency of the law in reference to the compulsory observance of seigniorial services, may be found in the case of the  *censitaire*  of the Seigniorie of Beauharnois.

The proprietor of that Seigniorie obtained Letters Patent for the foundation of a land-roll (*lettres de terrier*), that is the right of compelling the  *censitaires*  to take new titles, which consist of an acknowledgement or re-iteration of the terms and conditions of the original grants.

Those  *censitaires*  who neglected to take such titles, for which also they were bound to pay a fee to the notary, were prosecuted, and judgments were rendered against them, condemning them to accept new titles, and to pay five pounds damages and costs, for having neglected to conform to the requirements of the law. The costs, on an average, amounted to about ten pounds, thereby entailing an expense which, in some instances would lead to the sale of the tenant's property.

The files of the Court of King's Bench for the District of Montreal fearfully illustrate the practical working of this system; for it will there be found that, out of the whole number of actions brought in that Court during the last three years, about one-fifth part were instituted by Seigniors for the recovery of rights and services due under the tenure.

The result, appearing from official returns and information is that, during the same period, somewhat more than one-fifth of the judicial sales were made at the instance of Seigniors to enforce their judgments.

Such is the operation of a tenure declared by its apologists to be of surpassing excellence, and suitable to the wants and condition of the inhabitants of this Province; but this is not the view entertained by the inhabitants themselves, who are desirous of a change although they differ in opinion respecting the nature of such change. They declare that their burthens are intolerable, and that unless the Legislature come to their relief, inevitable ruin awaits them.

Profoundly impressed with the importance of this subject, and its ultimate effect on the prosperity of this Province, and the welfare of its inhabitants, we feel that the time has arrived when a change or modification of the law in res-

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pect of the tenure of land, can no longer with safety be withheld. It has even been asserted, by persons from various sections of the District of Montreal, that the feudal exactions, and the neglect of the Government to enforce the ancient laws of the Province in relation to the tenure, concurred in no small degree to the outbreaks in 1837 and 1838.

The principal argument used by the advocates of the feudal tenure is that, if the feudal property were converted into free tenure, facilities would be afforded to land speculators, to become proprietors of large tracts of land in the Seigniories, to the great inconvenience, and in some cases to the ruin of its inhabitants.

This argument is not only ill founded but wholly inapplicable, for, under the present system in some Seigniories, the real land speculators are the Seigniors themselves.

The lands are brought to sale for payment of the high rents, and the Seigneur, free from all competition, buys the finest farms for sums scarcely adequate to the payment of the arrears, and makes a traffic of the land by selling again for large sums, or by conceding on conditions infinitely more onerous, thereby securing to himself a monopoly ultimately ruinous to his  *censitaires* .

The operation of the tenure in this respect is an abuse and a departure from its true spirit, and one likely to be continued from the very nature of the burthens imposed on the tenant.

In submitting our views upon a scheme of commutation, we feel compelled to declare that we do so with great hesitation and diffidence.

A subject of such vast importance to the welfare of the community ought not to be lightly treated, nor should any scheme be proposed without possessing all that statistical information relative to the Seigniories without which its justice and feasibility cannot be tested, and without a full knowledge of the views and opinions of those most interested in so great a change.

The conversion of a tenure ought not to be recommended without the most unquestionable necessity, nor should the change be determined upon, except upon due consideration of the necessary consequences to the rights and privileges of those destined to be affected by it.

Viewing a conversion of tenure in the abstract, or as a mere measure of public utility, called for by the advancement of a country in intelligence and civilization, it would be less difficult to give the general outlines of a plan calculated to effect it; but regarding the tenure as one under which the inhabitants of this country have lived since its first settlement, as one intimately blended with their laws and customs, the subject becomes intricate and demands the maturest examination.

It cannot be denied that sound policy, for the ultimate well being of the inhabitants of this community, requires that the Feudal Tenure should be abolished.

It is no longer suited to the spirit of the age nor the actual wants of the population; it is the relic of a barbarous age, and, in its practical operations, antagonist to the growth and permanency of free institutions.

However advantageous it might have been in the infancy of a colony, and favorable under wholesome restrictions to the rapid settlement of the wilderness, its necessity is no longer felt; and in a more advanced community, it operates as a bar to general improvement and the prosperity of the people.

Situated as is this country, with a belt of land on either bank of the River Saint Lawrence, and along its tributary streams, held under the Seigniorial Tenure, but surrounded on all sides by a population wholly opposed to it, and holding their lands under rules of an adverse character, calculated to create and to cherish opinions in unison with a higher state of civilization, it is manifest that the force of circumstances

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and the general advancement of the country, must sooner or later lead to this change.

In the one case, we should see a population rapidly advancing to a high state of prosperity in agricultural and mechanical pursuits, holding their lands under a tenure eminently adapted to foster the principles of freedom and develop the energies of the man; in the other case, a population struggling under the artificial and antiquated system of a by-gone age, with no ultimate hope of relief, and rendered discontented by a comparison with their more fortunate neighbours.

A result so certain to arrive, it should be the wise policy of a Government to prevent. Under such circumstances, the conversion of a tenure is no longer a matter of expediency, it is one of necessity, and is the only measure by which one portion of the population can be rescued from certain degradation. Were the tenure free, they would feel that they are no longer bound to the soil, they would experience the promptings of a generous emulation, and the necessary result would be the emancipation of a people, and their advancement in all the arts of civilized life.

Assuming therefore that the conversion of the tenure would be expedient, it may be inquired whether such a change is wished for by the entire population of the Province. Upon the very limited information possessed by us, we cannot found a general opinion as to that point.

The subject, although of the greatest importance to the whole community, has not throughout the country, received that degree of attention which it merits. We are possessed of scattered opinions from various sections of the Province, but it would be improper to take these few communications as the general sense of the whole population.

We think that the inhabitants of French origin have no great wish to change the tenure of their lands, if it were to be attended by the introduction of any alteration of the laws affecting their rights, although extremely desirous to be relieved from Seigniorial burthens. They are anxious to be exonerated from the burthens pressing most heavily on them, but in few instances do they express a willingness to pay any equivalent.

The great majority of the English population are in favor of a commutation, and, in some instances, seem disposed to give a fair indemnity to the Seignior.

Modifications of the Seigniorial Tenure requisite to meet views of the majority of the French Canadian population we think impracticable, without a great stretch of power.

The Seignior must receive a compensation for his rights, and this compensation can only be given by means of a commutation.

If the *lods et ventes*, *banalité*, and excessive rents be taken away without indemnity, it would be a measure fraught with manifest injustice; for these rights, to a certain extent, are incidental to the very tenure, and in that degree are guaranteed by law. If the tenure be allowed to continue, these rights must also subsist as an essential part of it, and the evils arising from it, the removal of which is so loudly called for, must also remain unabated.

A commutation, therefore, is the only resource left, and this commutation should be based on strictly just principles.

Before proceeding to discuss the various plans submitted to us in the course of our inquiry, it is proper to determine the exact position of the Seignior towards his  *censitaire*, and the nature of his claims, and to distinguish those rights for which he is intitled to an indemnity, from those which are in their nature honorary or conventional, and which ought to be without any hesitation utterly abolished.

The claims, for whose surrender the Seignior is intitled to an indemnity, are, first, the rent or *cens et rentes*, comprising the *corvées* when stipulated; secondly, the *lods et ventes*. These two rights are those upon which the principle of commutation will chiefly turn.

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Reserving the right of *banalité* for future discussion, we have to observe, that for all the other rights and claims of the Seignior, such as *retrait* and reservations of every description, except such as are made in the interests of the Crown, the Seignior is not, in our estimation, entitled to any pecuniary indemnity, and they ought to be forever abolished; because the right of *retrait* is only admitted as the means of obviating frauds on the Seignior, and not as a profitable right, and the reservations for the most part are unauthorized by law and repugnant to the principles of the tenure as introduced into this Province.

On the subject of the rate of *cens et rentes*, we have already expressed our opinion, and it will rest with the Legislature itself to determine that question as it may affect the *quantum* of indemnity.

The various schemes of commutation which have been proposed to us may be classed under three general heads, which will be discussed in their order.

The authors of the first scheme conceive that all the rights of the Seignior should be extinguished on payment of a capital sum, of which the *cens et rentes* will be the interest at the rate of six per centum per annum, and of one *lods et ventes*, in full and entire extinguishment of the rights under the tenure, such mutation fine being computed on the value of the farm, less the capital of the rent, by *experts* or arbitrators, one of whom should be chosen by the Seignior, and a second by the *censitaire*, and by an umpire, who in all cases should be a Commissioner appointed by Government: that the commutation should be voluntary on the part of the *censitaire*, and compulsory on the Seignior.

This scheme is recommended by men of all opinions, and by many whose knowledge and experience are entitled to the greatest respect. It is contended by some of those who enunciate this scheme that one *lods et ventes* so calculated will be an adequate remuneration to the Seignior for the surrender of all his rights, apart from the *cens et rentes*.

The principle, upon which the calculation is based, is that, on an average, every property in a Seigniorly changes hands once in not less than twenty years, and that, perhaps, the average may be lower. If then the Seignior obtains his mutation fine once in twenty years, the same fine once paid and invested at simple interest, will double itself in fourteen years. It is therefore considered more than an equivalent for the *lods et ventes* alone, and that the overplus would pay for the surrender of all the other rights.

This may be considered to be a very equitable scheme, and one which would secure to the Seignior, making a judicious investment, a full indemnity for his rights. The capital sum thus obtained might either be paid to the Seignior or be converted into a *rente constituée*, with its privileges clearly defined by law, chargeable on the land and redeemable at the will of the *censitaire*, in sums of not less than five or ten pounds. The advocates of this scheme consider that the Seignior is not entitled to any further indemnity.

In reference to this plan of commutation, we deem it our duty to point out those objections which naturally present themselves, and which might be worthy of consideration in framing any Bill founded upon this scheme.

It is proposed that the commutation shall be voluntary on the part of the *censitaire*, but compulsory on the Seignior. On behalf of the Seignior, it may be urged that, if it be optional for the *censitaire* to commute and not compulsory, such commutation may be forced upon him at all times, on the demand of any one *censitaire*. By this means, he would be compelled to take his indemnity in small sums, and possibly at remote periods of time. The benefit, therefore, which it is expected he would derive from an investment of his capital to produce a rental equivalent to his rights, would be impaired, while he would be obliged to maintain the same system of expense in agency, &c., for the recovery of his rents, until it should please the *censitaires* to commute.

This objection is not without reason, but it may be observed that, until the commutation takes place, the Seignior is still in possession of all his rights, and that, if a limited

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time were fixed after which it should not be competent for the  *censitaire*  to commute upon the same favourable but upon more onerous terms; this evil or inconvenience would be mitigated or removed; for this limitation of time would excite the attention of the  *censitaire*  to the interest which he would clearly have to effect a commutation. But moreover, this objection we deem of no weight when compared to the manifest injustice and hardships, which would result to the  *censitaire* , if he were compelled at once to redeem rights which he might not have the means to extinguish.

The  *censitaires*  being the more numerous class, in whose well-being that of the community is more immediately concerned, their interests ought in this particular to preponderate over those of the Seigneur.

On the part of the  *censitaire*  it may be urged, that if the scheme should make it compulsory on him to commute immediately, he would be burthened, if unable to pay the capital of the indemnity, with the payment of a yearly rent, in the shape of interest beyond the usual  *cens et rentes* , and that, until he chose to sell his land, no mutation fine would accrue, and he would have no more to pay than his usual rent. This argument of the  *censitaire* , arising out of purely personal considerations, is merged in the general interests of the community; and, if it be beneficial to him to effect his liberation from Seigniorial burthens, the disadvantage arising from the payment of the yearly interest of a small indemnity, is more than compensated by the enfranchisement of his lands and himself upon favorable terms. It will be observed that in this scheme, no time is specified within which the commutation should take place, and the plan would seem defective in this respect.

The indemnity should in our opinion be liable, after the expiration of a certain time to a small annual increase; for the basis of calculation being that all properties change hands once in every twenty years, it should not be in the power of the  *censitaire*  to await until the twentieth year to effect his commutation.

Upon the conversion of the Seigniorial Tenure in France in 1790, the rate of indemnity for the right of  *lods et ventes*  was fixed at one twenty fourth part, or one half a mutation fine, and two years was the period allowed for the commutation on this principle; but it was provided that, if the redemption was made at any time after the two years, and that a sale of the same property should be effected by a voluntary contract within two years after such redemption, another half of the mutation fine would accrue to the Seigneur notwithstanding the commutation. A limitation of time as an expedient, as well for protecting the interests of the Seigneur, as for inducing a speedy enfranchisement, was adopted in the Ordinance respecting the commutation of Seigniorial rights in the Seignior of the Island of Montreal.

We think that some rule of this description should be followed.

The second general scheme to which we now refer, is that proposed by the  *censitaires*  of the Seignior of DeLéry, Foucault and Lacle, as set forth in the answers of the Rev. Mr. Townsend transmitted to us.

The scheme by them suggested, is to the following effect:—1st. That the  *censitaire*  should pay to the Seigneur a capital sum, of which the rents, that he is legally entitled to demand by his charter, should be the legal interest, with the privilege of paying the capital in sums of not less than two pounds.—2nd. That he should pay in the same manner a capital sum, of which the annual value of  *lods et ventes*  should be the legal interest, which amount should be established by a reference to the Seigneur's Books, and by an average on the receipts arising from that right, for a period of five or ten years.—That interest should be allowed to the  *censitaires*  on all sums which should be found on such rent day to be over and above the seigniorial dues. That the Seigneur's present rights should remain intact, until the whole amount of the commutation should be paid, upon which final payment the feudal tenure should cease to exist, and the  *censitaires*  should obtain a deed in free and common socage of his land.

It is also considered that the Crown should surrender its

rights of  *Quint and Relief* , and that a corresponding diminution should be made in the value of the  *lods et ventes* . By this plan, it is proposed, that all the other rights of the Seigneur, such as the right of  *banalité, retrait* , and all reservations should be abolished.

This scheme is recommended by the  *censitaires*  of Foucault and Noyan, and they expressly deny the right of their Seigneur to any indemnity for the  *banalité* , because no  *banal*  mill has been built in those Seigniories, with the exception of an old mill in Foucault, erected long ago by Mr. Caldwell, but which is altogether insufficient, whereby the  *censitaires*  are compelled to go a distance of ten, twenty, and thirty miles, to get their corn ground.

This violation of the obligation to build proper mills for the uses of the  *censitaires* , they consider entitles them to some indemnity from the Seigneur.

But they say that in other Seigniories where  *banal*  mills have been erected, if it should be considered proper to grant an indemnity for that right, a like rule might be applied, and a capital taken of the clear yearly rental of the mills, after deduction of all expenses and charges, and of the interest of the capital invested in the mill.

The principle of the scheme is that it should be voluntary for the  *censitaire*  to commute, and compulsory on the Seigneur; and it is recommended that some definite rules should be established by law, as the basis of commutation, which should be applicable to all rural Seigniories, leaving the minor details to be settled by the circumstances of each case.

This scheme does not state any particular period within which the commutation should take place, nor does it state in what way the capital sums thus reckoned should be levied in the Seignior; but it is presumed to be their intention that the capital be divided, and apportioned among the farms according to their value, to be ascertained by appraisalment.

With regard to this scheme, we deem it our duty to declare that however, just the principle may be upon which it is based, that is in giving to the Seigneur the capital of which the yearly rent is the interest, it is defective on the ground of its being voluntary.

If the time for commutation be unlimited, great uncertainty would prevail in ascertaining the just value of the various rights, particularly the  *lods et ventes* , which is fluctuating in its results, and dependent upon circumstances for increase or diminution.

Therefore a certain period should be fixed by law as the time for the valuation of these rights throughout all the Seigniories, and that estimate should be taken as the rule for all future commutations; unless it should be deemed preferable to fix some period by law within which the  *censitaire*  should be bound to commute.

This scheme we cannot but consider as one of great liberality on the part of the  *censitaires* , and deserving of serious consideration, for it secures to the Seigneur the full value of his property; but correct statistical information would be requisite to determine whether or not the apportionment of the capital would not, when the rents are very high, create an incumbrance altogether disproportioned to the value of the farms. In investigating this scheme, much will depend upon obtaining accurate information of the annual value of these rights, and, from some details with which we have been furnished, we are inclined to think that it will be calculated, in the old Seigniories, to produce a fair and equitable basis of commutation.

On this head, we may be permitted to refer, for illustration, to the Seigniories of W. P. Christie, Esquire, by whose  *censitaires*  the plan is suggested.

From a statement exhibited by that gentleman, of the annual rental of his Seigniories in  *cens et rentes*  and  *lods et ventes* , it will appear that the proportion which his rental in  *cens et rentes*  bears to his rental in  *lods et ventes* , is, as four or five to one. Then, if the lands are charged with

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an annual *cens et rentes* of four pence per acre, the additional charge created by adding the *lods et ventes* will be about one penny.

A capital, therefore, of which these two sums would be the interest, that is, of five pence, would be the full amount, upon a recognition of the rights of the Seigneur in their fullest extent, which he would be entitled to demand from the *censitaires* for their surrender; for this sum would of necessity produce the full amount of his income in both particulars.

Thus the commutation would be given upon a payment of a capital, of which five pence, per acre, would be the interest, a sum very little more than the present annual amount of the *cens et rentes*. In further illustration, the cases of the Seigniories of St. Denis, (Quebec,) Ste. Anne de la Pocatière, and St. Roch des Aulnets, may be referred to.

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In the old seigniories, where the rents are very low, the rate of commutation would be much more moderate, but still equal to the annual income; in support of which fact, we refer to the statement of Mr. Parent, Agent for the Seignior of Lauzon. From his evidence, it will appear that the rental of the *lods et ventes* is, on an average about one-half that of the *cens et rentes*. In that seignior, probably one of the oldest in the Province, where the *rentes* are very low, the cost of redemption of the right of *lods et ventes* would be very trifling, and in truth a mere addition of about one or at most two *sols* an acre to the amount of the *cens et rentes*.

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These calculations are necessarily in some degree defective, from want of more accurate details of the seigniorial revenues; but the principle on which they have been made, is unquestionably correct, and is sufficiently elucidated to shew the justness and feasibility of the scheme. This plan is deserving of being more closely examined as conducive to the attainment of a result so important to the community. It possesses one great advantage over the first plan in this, that considerable doubts may be entertained whether the mutations in the old and well settled seigniories, occur once in every twenty years; and, if the mutations do not occur in those seigniories more than once in thirty years, which we are inclined to think near the truth, by giving one *lods et ventes*, which at interest would be doubled in fourteen years, as indemnity to the Seigneur for that right, a sum infinitely greater than he derives from that portion of his income would be allowed to him.

By ascertaining therefore, the correct annual income derived from that source, more certain justice would be done to the *censitaire*, while the Seigneur would obtain the full amount of his dues.

In the majority of the old and well settled Seigniories throughout the Province, it may be safely said that the annual income from *lods et ventes* is about one half the annual income from *cens et rentes*, and seldom, if ever, exceeds it. In a small number of Seigniories, the revenue, accruing from *lods et ventes*, may be found to be double the income arising from *cens et rentes*. Assuming this statement to be true, the addition of one-half to the amount of *cens et rentes* would be the sum in interest, the capital of which would be a full indemnity.

It is in reference to these old and well settled Seigniories, where the rent is low, that this scheme is particularly desirable, for the commutation money would be but a trifling increase on the rent stipulated.

But, even supposing that in these Seigniories where the rents are so moderate, the revenue, arising from *lods et ventes*, were equal to the rental of the *cens et rentes*, the principle would apply with greater justice than the other plan based on the uncertain supposition that all properties change once in twenty years, and the indemnity would fall with much less weight on the *censitaire*.

We feel bound to remark that some of the statements, as to the proportion of *lods et ventes* and *cens et rentes*, submitted to us, are inaccurate; but the errors are easily discoverable by calculations made upon the data afforded. In

some of the instances, where it is stated that the rental of the *lods et ventes* is double that of the *cens et rentes*, we find that the assertion is inconsistent with the very data submitted.

With reference, however, to the newly conceded Seigniories, where the rents are very high, we do not feel justified in recommending this scheme, as we are certain the payment of a capital for *lods et ventes* in addition to the enormous capital based upon the *cens et rentes*, would entail a burthen intolerable to the *censitaires*, and one which would in a vast majority of instances swallow up his entire property.

The cases, therefore, of Foucault, Noyan and other Seigniories, are cited purely for the sake of illustration, as detailed statements were received from those Seigniories, of the amount of *cens et rentes* and *lods et ventes*.

We have, however, to observe that in the newly settled Seigniories, mutations are more frequent than in the old ones, as the Seigneur, for the recovery of his high rent, is often under the necessity of bringing the property of his tenant to sale, and the inability to pay such high rents leads to the abandonment of the property, or its sale by the tenant at a sacrifice.

The third plan to which we shall now advert is that suggested by Pierre De Boucherville, Esquire, himself a Seigneur, as set forth in his letter to the late Board of Commissioners, dated 20th June, 1842.

It differs entirely from the other schemes submitted, not only in the manner of effecting the commutation, but in the principle on which it should be based, and is to the following effect:

He proposes that the commutation during the first ten years should be voluntary between the parties, if possible; but if not consensual within that period, it should then be optional on the part of the *censitaire*, and compulsory on the Seigneur, the *censitaire* paying to his Seigneur, on the estimation of appraisers, one fifth part of the real value of the property enfranchised, such arbitrators being named by the Seigneur and *censitaire*, and in case of necessity, a third being appointed by the District Judge on the application of the parties. If delay should be demanded by the *censitaire* for the payment of the money agreed upon for the commutation, he conceives that ten years delay should be given on payment of the interest at six per cent. with privilege to the Seigneur of *baillieur de fonds*.

At the expiration of the ten years to be fixed for voluntary commutation, it should be in the power of the Seigneur, or any five of the *Censitaires*, to demand a commutation, on notice given at the door of the Parish Church during three Sundays, the amount of indemnity to be settled by agreement, if possible, and if not, then that it should be imperative on the Seigneur and *censitaire*, by application to the Government, to demand the appointment of three Commissioners, duly qualified by law, who should arbitrarily estimate the whole Seignior or Fief according to its probable value if brought to forced sale. From the value thus ascertained, should be deducted the value,—1st. Of the Manor-house—2nd. Of the Domain—3rd. Of the Mill or Mills, after abating one-third on the value of the Mills for the loss of *banalité*—4th. Of the unconceded land valued at so much the *arpent*; and lastly, of the voluntary commutation had during the first ten years.

The balance thus obtained would be the amount which should be paid to the Seigneur. Of these proceedings a *Procès Verbal* should be made, and, at the end of three weeks, it should, at the request of the Commissioners, be homologated in the Supreme Court of the District, where all oppositions to it should be heard and determined. The value of the Fief or Seignior thus definitively settled should be paid by the *censitaires*, whose lands had not been freed by agreement during the first ten years, and if not paid in money, should be left at interest for a certain number of years, or converted into a *rente* redeemable at the will of the *censitaire*, but paying eight per cent interest.

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The manner followed in assessing property, for the erection of a Church or other public work, should be followed in assessing the property for the payment of the indemnity.

This outline embraces the chief features of the scheme suggested by Mr. DeBoucherville. It is difficult for us, with the imperfect knowledge in our possession of the actual state of the Seigniories, to express an opinion upon the merits of this scheme.

There are, however, many objectionable points in it which cannot be overlooked.

The rate established for the voluntary commutation within the ten years is, in our opinion, exorbitant, one-fifth of the actual value of the land commuted is a proportion which we feel it would be entirely out of the power of the population to pay, even if they were willing, which we think they would not be.

Another objection is, that it would vest unconditionally in the Seignior the whole of the unconceded lands in his Seigniorie. This we cannot recommend.

A modification of this scheme is to be found in the evidence of Mr. Dupuy, Public Notary, of Laprairie, whose plan is to estimate the actual value of the soil, without buildings or improvements, and to assess it generally on the whole Seigniorie.

Referring to the plan first noticed by us, we have to observe that this scheme is put forth, not so much as containing a rate of indemnity agreed upon in the various opinions submitted on the question, but rather as embodying the principle on which the commutation should be based.

Thus the Reverend Mr. Compte, of the Seminary of Montreal, thinks that *lods et ventes* would be sufficient, in addition to the capital of the *cens et rentes*, allowing an indemnity for *banalité* when the case might require it.

Mr. Chief Justice Reid, whose opinion is unquestionably entitled to the greatest respect, not only from his profound knowledge of the law, but also from the great experience which his long residence in the Province, his acquaintance with the people, and the practical working of the Seigniorial system, have enabled him to acquire, conceives that a lower rate should, in some instances, be fixed as a compensation for the right of *lods et ventes*, and he accordingly gives as the basis of commutation a graduated scale, varying from one-tenth to one-sixteenth in proportion to the value of the property.

In the opinion of others, such as Mr. Spink, (for many years employed as a Seigniorial Agent,) one tenth part of the value of the property would constitute a just equivalent for all the Seigniorial Rights.

There are some persons again, who think that the rate should be established on the value of the soil only, and not on the improvements; while others think that one *lods* and a half should be given.

The opinion, then, of Mr. Compte is selected to develop the principle of commutation suggested in the first scheme, and is taken as a medium.

That of Mr. Townsend is corroborated by others, but under various modifications, all concurring, however, with regard to the mode of indemnity and its apportionment on the property within the Seigniorie.

The third plan rests upon the sole opinion of Mr. DeBoucherville, supported in some degree by Mr. Dupuy.

The subject of commutation has thus far been treated solely with respect to the Seignior and *censitaire*, and their mutual relations. This partial examination of the question would not lead to a satisfactory result, inasmuch as it does not embrace all the points necessary to accomplish the important object in view. It is obvious that the question of commutation, with a view to its complete development, should be examined with reference to its effects on the rights of third persons. We humbly conceive that the Bill,

reported by the Committee of the Hon. House of Assembly in the Session of 1841, is in this particular defective—the rights of third persons having been, in some respects, overlooked. Those here denominated third persons may be divided into two classes: 1st. Those having real rights in or upon the Seigniories by virtue of the law or by contract; 2nd. The creditors of the Seignior. Any scheme, therefore, of commutation to be devised, must necessarily embrace these considerations, and the procedure to be observed must be framed in such manner as will secure, to those entitled, the possession of their rights, or an equivalent out of the commutation money.

If, in any scheme to be adopted, the commutation be made voluntary, without fixing a time within which it shall be imperative on all persons to commute, great difficulty would be experienced in securing to those concerned their just rights.

It is evident that, under a scheme of a voluntary character, the commutations would take place at intervals, and be paid for in small sums. Where should the money, arising from time to time by commutation, be placed to meet the just claims of the creditors, or of persons having real rights in the seigniorie? Under whose control, and how should they be invested to produce interest, and to accumulate for the formation of a capital to represent the seigniorie so far, out of which all claimants upon it should be paid?

To secure these rights, it would seem necessary, before any commutation should be allowed, that public notice should be given of the intention of the parties to commute; that the money arising from such commutation should be deposited in some public office or chartered institution, or be invested at interest in public securities under the management of some public officer; that the commutation money should be allowed to accumulate until a certain amount should have been invested, or should be distributed after a certain time without reference to the amount paid in, and that the money of claimants under a substitution not yet accrued, and of others in the like situation, should be invested in real property under the authority of some public officer or tribunal.

We consider it right that in all cases the *censitaire* should have the power of paying up the capital of the commutation money at all times, for, if the capital were in any case to be converted into a perpetual irredeemable rent charge, no relief would, in truth, be afforded to the *censitaire*, and one of the objects of the commutation would not be attained; for the land would continue burthened with much heavier rent than the actual *cens et rentes*.

In the commutation of Seigniories held in mortmain, or belonging to bodies incompetent to alienate, there should be a provision requiring the investment of the commutation money, to fulfil the conditions of the charter, or the objects of the institution. If some precautions of this description were not taken, and the Seigniors were allowed to receive the commutation money as they might agree with the *censitaire*, it is evident that the effect would be to convert a real right into personal property, and the rights of creditors and of others interested might be lost or endangered.

These observations we have thought it necessary to make on the schemes proposed, and their propriety will be matter for the determination of the Legislature in framing any law on the subject.

Having thus stated and considered the three prominent schemes proposed for accomplishing the conversion of the feudal tenure into one of a free character, we now proceed respectfully to offer our views as to the provisions which would seem expedient to effect so desirable a change.

For this purpose, we shall divide the seigniories into two classes: first, those where the rent is moderate and at the *ancien taux*; secondly, those where the rents are higher, say, two pence, and upwards, an acre.

With regard to the second class of cases, it is to be observed that, if the capital is to be paid upon the rent at the rate settled by the concession deed, in many Seigniories one *lods et ventes* might be too great an indemnity for the

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*censitaire* to meet; while, in the old and well settled Seigniories, falling within the first class, one *lods et ventes* on farms of great value, might also be considered as excessive, more particularly as we rather think that in the best settled Seigniories, and where property is highly improved, the mutations do not occur on an average of once in twenty years as has been supposed, and the payment of one mutation fine would amount to levying contribution on the industry of the man rather than on the land itself.

We would prefer the adoption of the plan of Mr. Chief Justice Reid, more particularly in the cases of low rents, inverting however the order of calculation as being better suited to attain justice. His plan is, that the commutation money or indemnity should consist of from one-sixteenth to one-tenth of the value of the property, but subjecting the properties of the greatest value to the payment of the higher rate.

In our opinion, this rule should be reversed, and the lower rate of one-sixteenth be made to apply to the valuable farms.

This would tend greatly to facilitate the change, and would be less objectionable, as it would not be taxing the improvements of the farmer; and, by applying the higher rate, but restricting it to one-twelfth instead of one-tenth, to the properties of less value, and on which little improvement had been made, the indemnity would be levied on its more legitimate object, namely, the soil itself, by which means the *censitaire* would have less reason to complain.

Independently of our conviction that the more improved and valuable farms do not, on an average, change hands once in twenty years, we consider this modification of Mr. Reid's plan worthy of adoption, as it would tend to remove many of the objections to commute, the principal of which is, in the minds of the *censitaires* in the old Seigniories, that the indemnity would be levied on their industry and improvements. In the farms of small value and least improved, the payment of one *lods et ventes* we think ought not to be considered as heavy, the more so as it would be levied on the value of the soil with little or no improvements.

In the case of newly settled Seigniories, more difficulty naturally exists from the rents being high; but as the lands in the majority of these cases, are unimproved, or not much improved, the right of *lods et ventes*, after deducting the capital of the rent, would, on this principle, be moderate.

Such a scheme would be better calculated to operate as a general rule, than any founded on the views of the Revd. Mr. Townsend, in this, that there are many Seigniories in which there are high and low rents according as the concessions are new or old.

In these Seigniories the *lods et ventes* have principally been derived from the sales of the lands more lately conceded, and, in a great many instances, the lands have been sold at the suit of the Seignior for the payment of the high rents.

If according to Mr. Townsend's suggestion with regard to the extinction of the right of *lods et ventes*, an average revenue of the last ten years be taken and assessed on all the properties, it would be levying the indemnity on many properties which had not contributed to the revenue, and would in all probability meet with opposition.

Besides in some Seigniories the revenue is greatly augmented by the act of the Seignior. Thus, by reference to the statement of the Sheriff of Montreal, it will be found that the sales of property, for the recovery of Seigniorial dues are, as one to five of the whole sales in the whole District, a proportion we think affording conclusive evidence as to the working of the Seigniorial tenure. It would be manifestly unjust to adopt a revenue, thus augmented, as the basis of an average to be apportioned over the whole Seignior. It may be added, that the sales by the Sheriff occur principally in those Seigniories where the rents are exorbitant; for in the old Seigniories, where the rents are low, the mutations are operated by the ordinary transfers of property.

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The scheme of Mr. Townsend, which is moreover objectionable, as requiring the expensive process of an immediate valuation of all the Seigniories in the Province, may be considered as better adapted to the old Seigniories, where the rates of *cens et ventes* are uniform and low; but, whether or not, it should be preferred to the graduated scale of Chief Justice Reid modified as above, would depend upon an accurate knowledge, which we do not possess, of the actual revenue of the Seigniories derived from the right of *lods et ventes*.

It is evident that no great Law reform can be devised, without the occurrence of individual cases of hardship, and that scheme must be considered the most eligible which contains the best general rule.

As we have before stated, the graduated scale of Chief Justice Reid would apply well to the old and highly improved Seigniories; but, in reference to the new Seigniories, we have to consider what the charges are for which the Seignior is entitled to an indemnity from his *censitaires*.

We must here confess that we have been much embarrassed in our endeavours to discover a scheme of commutation by which the interests and feelings of all parties might be reconciled, and more especially as regards the *quantum* of the annual rent, *cens et ventes*, which, in such cases, ought to be allowed to those Seigniors who have either infringed the conditions of their charters, or raised the rent above the legal rate.

We have already given our opinion respecting the legal rate of *cens et ventes*; but we are bound, in justice, to report the arguments used by both Seigniors and *censitaires* upon this important subject.

On behalf of the Seigniors it is alleged that they have in their favor a long and uninterrupted possession of the right of conceding at any rate to which the *censitaire* will accede, evidenced by contracts, and sanctioned by the decisions of the courts of law. That, relying on this usage and the judgments of the courts, they have, invested their capital in the purchase of seigniories, and have in good faith mortgaged those possessions to creditors, and secured on them the rights of their wives and children; that the value of landed property and its produce, when seigniories were first granted, was much lower than at the present day, and that it would be unjust to force them to grant their lands at the same rent as was imposed under the French Government, when money was of greater value and every thing comparatively cheaper.

On behalf of the *censitaires* we are told, that, if the standard or rents imposed by some Seigniors be illegal, they ought not to be compelled to pay them an indemnity for what is not their due, and for what never can be considered as a vested right; and that the Seigniors ought to be satisfied with what they have already received. That whatever may be the good faith of those Seigniors or others who have invested their capital in the purchase of seigniories, or taken mortgages on them, their case is not favorable, and that they stand in the position of a creditor who having secured an *hypothèque*, or mortgage, on a property which he supposed to be his debtor's, cannot pretend to a greater right in it than his debtor had; and that if the *censitaires* be compelled to pay the capital, of which the rent as stipulated in late concessions is the interest, together with an indemnity, for the other rights of the Seignior, it would have the effect of making a commutation almost impracticable.

We feel the weight of this argument of the *censitaires* in considering the case as an abstract question of law; but in framing a Legislative measure for the conversion of a tenure, the matter may be viewed in a different light.

Thus it may be equitably urged that the rents imposed on Seigniorial lands, are a fixed and certain payment, and are rights upon which purchasers and creditors in general have most relied in the investment of their capital; that those rights are moreover secured by contracts, followed by long possession, and confirmed by judgments of the Courts.



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If, therefore, any reduction in the rate of rents should be determined on, it might break up a long chain of rights which, relatively to third persons, may be considered inviolable, the consequences of which might be most injurious to the whole community. Should it be deemed proper to maintain the Seigniorial rents, as established by contract, and to regard the *censitaire* as held by a contract which in Law, it is contended, is not obligatory upon him, are there no other Seigniorial charges in respect of which the Seignior might be compelled to make a corresponding sacrifice?

After much reflection we think, that in those Seigniories where the high rates of rent are most complained of, a different rule might with justice be adopted; and, as the right of *lods et ventes* is in its nature uncertain, and dependent on many contingencies, it might, with greater safety and with much less injury to society, be reduced, than the rate of *cens et rentes*.

Viewing, therefore, this proposition as a measure of justice towards the *censitaires*, and as a set-off for the higher rent which, on commutation, they would be bound to redeem, we would divide the Seigniories into two classes.

In the first class, we would rank all those Seigniories where the usual and accustomed rent is charged, such as was established before the conquest, and continued for many years afterwards, but limited to two pence an acre; thus assuming that an augmentation of the *cens et rentes* to the amount of double that imposed under the French Government, that is to say, two pence an acre, would be fair compensation to the Seignior for any change that may have taken place, since the conquest, in the value of money and of produce; and, in the second class, we would place all those Seigniories in which the rate is higher than two pence, whether the same be payable in money or in grain, valuing the grain at the market price at the time of the commutation.

In respect of the first class of cases, where the rent does not exceed two pence an acre, we think they might properly fall under our modified scheme founded on the graduated scheme of Chief Justice Reid.

As to the second class of cases, where the rent may exceed two pence an acre, we would recommend that, upon payment of the capital of the rent stipulated, all the other Seigniorial burthens, except the right of *banalité* to be determined upon as hereinafter proposed, should be extinguished on payment of a sum, according to the value of the property, reducible in the same ratio as the rent stipulated rises above the rate of two pence an acre.

These suggestions are offered on the supposition that the high rents charged are sufficient to produce a capital nearly, if not altogether, adequate to cover the loss of any indemnity which it might be considered just to allow to the Seignior in the old and well settled Seigniories, where the rents are generally low.

The right of compelling suit at the manor mill or *banalité* is one of which we find it difficult to treat, for, on the one hand, it may be said that, if indemnity be granted to Seigniors for the surrender of that right, the *censitaire* will be subjected to the payment of a double toll, as he might still be necessarily, for some years, obliged to resort to the Seigniorial mill; that the Seigniors are in possession of all the water powers within their Seigniories to the exclusion of the tenants; that, being in possession of those water powers, the Seigniors would solely have the benefit of deriving a revenue from mills, and that even such *censitaires* as might have mill-sites, would, from their limited means, in many cases, be unable to enter into competition with their Seigniors.

On the other hand, the Seigniors may contend, that, if the right of *banalité* be a legal one, they are entitled to an indemnity for the surrender of it in all cases.

It seems difficult to reconcile the interests of Seigniors and *censitaires* in the valuation of a right dependent on so many contingencies, that no general fixed rule can be adopted for establishing the consideration for its surrender.

Much would depend on the peculiar position or cir-

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cumstances of the Seigniories, in the appreciation of this right; for, in some Seigniories there are no water privileges, in others where they do exist, the Seigniors have neglected to fulfil the requirements of the law. There are Seigniories in which the right is of value, while in others the maintenance of a mill would be more burthensome than profitable.

Those Seigniors, who are in possession of all the mill-sites in their Seigniories, having no competition to apprehend from *censitaires*, ought not to expect full compensation for a loss which may never be incurred.

Other Seigniors, within whose territory *censitaires* may be in possession of mill-sites, might fear competition, which should be taken into consideration.

Thus it would seem scarcely possible to establish any fixed rate of consideration which Seigniors ought to receive for the relinquishment of this right; and, therefore, the case of each Seignior will stand on its own peculiar merits, and the Seignior will either be entitled to indemnity, or not, according to circumstances.

The only mode by which the valuation of this right could be made would be by the appraisement or decision of arbitrators, who, taking these circumstances into consideration, would grant, or deny, to the Seignior an indemnity for the same. Windmills being *banal*-mills according to law, ought not to be overlooked.

In proceeding to legislate on the Seigniorial Tenure, the subject of the unconceded lands in the Seigniories must inevitably be discussed. This is a matter worthy of grave consideration, and pregnant with important consequences to the inhabitants.

It is our duty to remark that, under the Seigniorial system as now in operation, it is a great subject of complaint and discontent among the rural population, that some Seigniors either absolutely refuse to concede their lands, in the expectation of an increase of their value, or impose on those inhabitants who desire concessions, such terms and conditions as they are incompetent to meet.

This is an assumption of power which, even if the Seigniorial system be continued, requires, in our opinion, a very prompt remedy.

Even in the case of the conversions of the tenure, it would be necessary to secure the inhabitants from such exorbitant demands.

Any law authorizing a change of Tenure, ought not, we conceive, to vest in the Seignior a free and unconditional right of property in the unconceded land in his Seignior; and we would recommend that in such a law, a price should be established at which Seigniors should be bound to sell their wild lands.

It might be sufficient to establish a general rule for all Seigniories, at the advantages they may possess in point of situation, soil or climate, might require a departure from a general standard; but the adoption of the principle of a maximum and minimum price, dependent on the value of the land, securing to the Seignior a just compensation for his right of *lods et ventes*, and for the moderate fixed rent he would have been entitled by law to demand under the Seigniorial system, would perhaps be the fairest mode which could be devised to do justice to both parties.

The subject of Arbitration, as connected with a scheme of commutation, has been canvassed by both Seignior and *censitaire*.

Whilst the Seigniors would suggest that, in all cases of commutation, one arbitrator should be named by each party, and that in the event of disagreement between these arbitrators, the Court of Superior Jurisdiction of the District should be invested with the nomination of the third arbitrator, the

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*consitaire* would object to the jurisdiction of the ordinary Courts of Justice in these matters, and would prefer leaving the nomination of that third arbitrator to the Executive Government.

We conceive that, with regard to every scheme of commutation, great apprehensions will be entertained from the difficulty of securing fairness in the valuation of property, by means of impartial and disinterested arbitrations.

In our opinion, the most fair and equitable mode of rendering justice to both Seigneur and *consitaire* in such cases, would be the nomination of one arbitrator by each, in the manner usual in practice, and the appointment by Government of one competent person, possessed of the power and qualifications of an *expert en titre d'office* as practised in France, or a Commissioner, whose jurisdiction should extend over each Superior District, and whose decision should be liable to a revision before a Board of Commissioners to be named by Government, upon an appeal instituted in a summary way by the aggrieved party.

It is pretended by some, that in all such cases of valuation of property by such means, the Seigniors should have the privilege of pre-emption, upon paying to the *consitaire* the estimated value, but we fear that this privilege would, in some cases, be liable to abuse, and might savour too much of the Seigniorial right of *retrait*, against which so great an outcry has been raised.

If this mode of arbitration be adopted, we feel confident that neither Seigneur nor *consitaire* will have cause to apprehend partiality or unfairness in the appreciation of their respective rights.

In the event of the adoption of such a scheme for the conversion of the tenure as would necessarily involve a valuation of all the Seigniories, with a view to an apportionment upon the lands held *en censive* of the average annual revenue for which the Seigneur may be considered entitled to indemnity, we conceive that the appreciation should be entrusted to a Board of Commissioners to be appointed by Government.

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B. No. 125. Although the subject of the *droit de quint*, and other rights, due to the Crown on mutation in the ownership of Fiefs, has not been specifically referred to us for enquiry, we have been necessarily led into a consideration of the course which it might be recommended to Her Majesty's Government to pursue with regard to that branch of the Revenue, which, on an average, seems to be inconsiderable.

The question, as to whether any indemnity should be claimed by the Crown for the loss of those rights, consequent on a conversion of the tenure, has been agitated as well by the Seigniors as by the *consitaires*.

After due reflection on the matter, we have to state our humble opinion, that those rights should be relinquished by the Crown without compensation.

If the small amount of the revenue arising from this source be taken into account, its loss to the Crown would be of little importance.

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Its surrender would not only be conducive to the favorable reception of a plan for the conversion of the tenure, but would be viewed as an act of justice compensating the Seigniors for the extinction of valuable rights and privileges, such as their jurisdiction, the right of exclusive trade with the Indians, and escheat, of which they were dispossessed by the operation of the conquest, and, at the same time, it would supply the indemnity to those Seigniors whose peculiar interests might be unprovided for in a general scheme of commutation.

In our views, concerning the surrender of this right, we have the good fortune to be borne out, not only by the authority of the Committee of the House of Commons in 1828, which recommended that this right should not be suffered to stand in the way of commutation, but we are supported by the almost unanimous opinion of the inhabitants of this Province.

Having brought to a termination our Report touching those branches of enquiry which we have been provided with the means of examining and considering, it remains for us to observe, with regret, that we have, from the want of the power of compelling the production of evidence, been unable to acquire the desired information on the other objects submitted for our investigation.

The matters which we have thus been forced to leave untouched, are the following:—

- 1st. The conditions on which lands have been conceded by sub-infeudation (*en arriere fief*.)
- 2ndly. The probable quantity of unconceded Seigniorial Lands in the Province, and their quality and value, and also the quantity of Lands conceded but not improved.
- 3rdly. The value of the Seigniorial Mills in the Province.
- 4thly. The annual average of *lods et ventes* paid or accruing in the Seigniories.

It is very obvious that on all these subjects we could expect to obtain any accurate knowledge but from one source, namely, the statements of the Proprietors of the Seigniories and of their Agents.

Accordingly, in addition to the questions proposed to them by the first Board of Commissioners, we addressed letters to the Proprietors of Seigniories, soliciting them to impart to us information on these various points, either personally or by letter; but our just expectation of receiving such valuable intelligence has been disappointed, and but very few of the Proprietors have deemed it advisable to respond to our solicitations. Those communications with which we have been favored, are not so full or particular as they could, with no unreasonable degree of labour, have been rendered.

All which is humbly submitted, by Your Excellency's most obedient humble servants,

A. BUCHANAN,  
J. A. TASCHEREAU.  
JAMES SMITH.

MONTREAL, 29th March, 1843.

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- No. 3.—Letters and Answers of A. A. Parent, Esquire.  
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No. 1.

*Journal of Proceedings of the First Commission.*

Commission of Inquiry on the Seigniorial Tenure.

MONDAY, 25TH APRIL, 1842.

Present :—

GEORGE VANFELSON, Esquire,  
Chief Commissioner.JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire.  
Joint Commissioners.

Mr. Vanfelson laid before the Board, the Commission appointing him Chief Commissioner, and John Samuel McCord, Esquire, and Nicholas Benjamin Doucet, Esquire, Joint Commissioners, to inquire into the state of the Seigniorial Tenure in that part of the Province heretofore Lower Canada.

The said Commission was read, and is in the following words, to wit :—

PROVINCE OF CANADA.



CHARLES BAGOT.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To George Vanfelson of the City of Quebec, Esquire, Advocate, John Samuel McCord, of the City of Montreal, Esquire, Advocate, and Nicholas Benjamin Doucet, of the said City of Montreal, Esquire, Public Notary.—GREETING :

Whereas the Honorable the Legislative Assembly of Our said Province did, by their Address to the Governor General of our said Province, on the seventh day of September last, represent that they were desirous of improving the condition and promoting the welfare of the people, by removing in a manner consistent with justice to all parties concerned, the difficulties and inconveniences which had resulted and might thereafter result from the tenure of lands commonly called the Seigniorial Tenure, as it obtains in that part of our said Province heretofore called Lower Canada, and were of opinion that to facilitate Legislation on this important subject, an Inquiry ought to be had into the state of the law, and other circumstances connected with the said Tenure and its operation generally into the relative position of the Seignior and *Censitaires*, and into the means of establishing a general and uniform system of commutation on a fair and creditable basis, and did pray that our said Governor General would appoint a Commission for the purpose of prosecuting the said Inquiry : Now know ye, that we, in compliance with the said Address to our said Governor General, and reposing trust and confidence in your loyalty, ability and discretion, have constituted and appointed and by these presents do constitute and appoint you, the said George Vanfelson, to be our Chief Commissioner, and you the said John Samuel McCord and Nicholas Benjamin Doucet, to be joint Commissioners with our said Chief Commissioner, with power and authority to you or any two of you, of whom our said Chief Commissioner shall be one, diligently and carefully to enquire into the state of the law and other circumstances connected with the Seigniorial Tenure, as it obtains in that part of our said Province heretofore Lower Canada, and its operation generally into the relative position of the Seigniors and their *Censitaires*; and into the means of establishing a general and uniform system of commutation on a fair and equitable basis, and thereupon such report to make us, upon the premises, as in your judgment shall be most for the interest,

welfare and good government of our said Province, and of all our loving subjects therein; hereby charging and commanding all persons whom it may concern to be aiding and assisting in the performance of the duties by these our Letters Patent assigned to you or any two of you as aforesaid. And we do further give full power and authority to you, our said Chief Commissioner, and our joint Commissioners, or any two of you, of which our said Chief Commissioner shall be one, to send for, receive and examine all such records and papers as you our said Chief Commissioner and joint Commissioners, or two of you as aforesaid, shall judge necessary in the premises.

In Testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of our said Province of Canada to be hereunto affixed.

Witness our right trusty and well beloved the Right Honorable Sir Charles Bagot, Knight Grand Cross of the most honorable Order of the Bath, one of our most honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same.

At Our Government House, in our Town of Kingston, in our said Province, the twenty ninth day of March, in the year of Our Lord one thousand eight hundred and forty two, and in the fifth year of Our Reign.

(Signed,) D. DALY,  
Secretary.

*Fiat.*—Recorded in the Registrar's Office of the Records at Kingston, the 4th day of April, 1842, in the seventeenth Register of Commissions and Letters Patent, *folio* 322.

(Signed,) R. T. TUCKER.  
Registrar.

The Chief Commissioner also laid before the Board a copy of the Address of the Honorable the Legislative Assembly, in pursuance of which the above Commission issued; which Address was read, and is in the words following, to wit :—

( Copy.)

LEGISLATIVE ASSEMBLY,  
Tuesday, 7th September, 1841.

Resolved, That an humble Address be presented to His Excellency the Governor General, representing that this House being desirous of improving the condition and promoting the welfare of the People, by removing, in a manner consistent with justice to all parties concerned, the difficulties and inconveniences that have resulted and may hereafter result from the tenure of Lands commonly called Seigniorial Tenure, as it obtains in that part of the Province heretofore called Lower Canada, and being of opinion that to facilitate legislation on this important subject, an Inquiry ought to be had into the state of the Law, and other circumstances connected with the said Tenure and its operation generally into the relative position of the Seigniors and the *Censitaires*, and into the means of establishing a general and uniform system of commutation on a fair and equitable basis, do humbly pray His Excellency to be pleased to appoint a Commission for the purpose of prosecuting the said Inquiry; and assuring His Excellency that whatever expenses may be incurred for the accomplishment of that purpose, will be made good by this House. Also humbly representing to His Excellency that the end in view, in the opinion of this House, would be best attained if a fit and proper person residing in that part of this Province formerly known as Lower Canada, and well-versed in the law and practice of the said Tenure, and being a Practitioner at the Bar, or a Notary of long standing, were appointed to inquire into the Feudal and Seigniorial Tenure, and two other Commissioners, having been long resident in the said part of this Province, were appointed to be Commissioners jointly with the Commissioner above mentioned,

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and if the said Chief Commissioner were instructed to make the necessary examination and search into all public Records and Notarial Acts from the time of the settlement of the Country, and to establish, for several distinct periods, the true conditions on which grants of land in Seigniorie have been made by the Crown; and on which lands have been conceded *en arriere fief* or *en censive et roture*, and to collect all other requisite information connected with the said subjects: to enquire into the laws which have, from time to time, governed, and now govern the said Tenure; to enquire generally into the present working of the system, by proper investigations in every section of Lower Canada, in a number of Seigniories indifferently chosen by a majority of the said Commissioners, for the purpose of ascertaining, as far as possible, the present rents, dues, reservations, and charges of any kind, the probable quantity of unconceded Seigniorial Lands in the Province, and their quality and value, and also the quantity of lands conceded but not improved; the value of Seigniorial Mills in the Province, and the annual average value of *lods et ventes* paid or accruing thereon, and of obtaining such further information as may tend to throw light on the subject; to consult the Seigniors and the *Censitaires* respectively, upon the most proper and equitable means of effecting, by law, a commutation of the Feudal and Seigniorial Tenures, (such commutation being founded upon a due regard to the rights and interests of all parties,) and also upon the most proper means of effecting an arbitration in cases where it may be required, and if upon consideration of such information and statements obtained by him and the other Commissioners, the said Commissioners should report their proceedings and opinions to His Excellency, in order that the same might be submitted, with the original minutes of all proceedings, to the Provincial Legislature.

*Ordered.*—That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Attest,

(Signed,) W. B. LINDSAY,  
Clerk Assy.

The Chief Commissioner also laid before the Board, the Official Letter by him received from the Secretary for Canada East, and which accompanied the said Commission and Address; the said Letter being read, is in the following words, to wit:—

SECRETARY'S OFFICE,  
Kingston, 7th April, 1842.

Sir,—I have the honor herewith to transmit to you, by command of His Excellency the Governor General, the Letters Patent appointing a Commission to inquire into the Seigniorial Tenure, accompanied by a copy of the Address of the Legislative Assembly on the subject.

The object of the Commission and the means by which they can be best attained are so fully expressed in the Address, that His Excellency deems it unnecessary to add any detailed instructions for your guidance. He is however desirous of calling the earnest attention of the Commissioners to two points of chief importance.

The first of these is the settlement of a well digested and practicable plan for commuting the Seigniorial Tenure upon terms which, while they afford reasonable advantages to the *Censitaires*, shall have a due regard also for the legal rights of the Seignior. With a view to the accomplishment of this important and difficult task it will of course be necessary, as suggested in the Address, to consult freely with all those who may be considered as representing the two great parties concerned, and thus to accumulate facts and opinions from the various sections of Seigniorial Canada. The least troublesome and most satisfactory way of doing this will be by a series of questions to be widely circulated, and afterwards annexed with the answers as an appendix to the Report.

The second point which His Excellency considers of sufficient moment to be here specially urged, is that no time

be lost in discharging the duties imposed by the Commission. A measure which like the present tends largely to effect the real property of a country, ought not to suffer any delay beyond what may be absolutely unavoidable. The suspension of a contemplated change of such magnitude necessarily operates unfavorably as well upon the general prosperity as upon the interests of individuals. His Excellency therefore feels great anxiety that the labors of the Board should be brought to a close as speedily as may be consistent with their due performances; and he trusts that your Report will be in readiness at an early period of the coming Session of the Legislature, or at the latest by the first of October next.

In all the minor details not adverted to in the Address of the Assembly or in this letter, the Commissioners will act upon their own discretion adopting such course of proceeding as they may deem fit. It may be suggested, however, for their consideration, that a division of labor by which different branches of the inquiry should be apportioned to each, thus allowing each to work separately, conferring with his colleagues from time to time for their approval, would be attended with many advantages.

To assist the Commissioners in the prosecution of their inquiry, His Excellency has been pleased to name Mr. Joseph E. Turcotte their Secretary, and to direct him to place himself in immediate communication with you, that he may receive their instructions.

I am to add that if at any time unforeseen difficulties should arise, the Government will be ready to furnish such further instructions and aid, as may be necessary to facilitate the progress of the work.

I have the honor to be, Sir,

Your most obedient servant,

(Signed,) D. DALY,  
Secretary.

G. VANFELSON, Esq., }  
&c. &c. &c. }

1.—*Resolved*, That the Office of the Commissioners be held, until further orders, in the house of John Samuel McCord, Esquire, in the City of Montreal, Great St. James' Street.

2.—*Resolved*, That with a view to economy, an application be made to the Secretary of Eastern Canada for the use of one of the Public Offices now vacant in the old Government House in this City.

3.—*Resolved*, at the same time, That application be made to the said Secretary, for a Warrant or Letter of Credit for the sum of two hundred and fifty pounds current money of the Province, to cover the current contingent expenses of the Commission, such as Stationery, Printing, Messenger, Travelling expenses, and all such like expenditure.

4.—*Resolved*, That John Samuel McCord, Esquire, be appointed Treasurer, which trust he has been pleased to accept.

5.—*Resolved*, On motion of Mr McCord, That such sums of money as may come into his hands as such Treasurer, be deposited in the Montreal Bank; that the checks to be drawn by the Treasurer on the said Bank be signed by the said Treasurer and countersigned by one other Member of the Board, or by the Secretary.

6.—*Resolved*, That at every meeting of this Board, proceedings be open at ten o'clock A. M. each day.

7.—*Resolved*, That when the Board of Commissioners do adjourn their Session, the next Meeting or Session be at the call and order of the Chief Commissioner.

8.—*Resolved*, That the Office of the Commission be open every day between the hours of ten in the forenoon until three in the afternoon (Sundays and Holidays excepted) for transacting the business of the Commission.

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9.—*Resolved*, That all accounts for the contingent expenses of the Office shall be made out in duplicate, as follows:—

“The Commissioners of enquiry on the Seigniorial Tenure,—Dr.

“To A. D.”

10.—*Resolved*, That the following advertizements be inserted in the following Papers published in the City of Montreal, to wit:

The Montreal Gazette.  
The Herald.  
L'Aurore des Canadas.  
The Messenger.  
The Times.  
The Courier.  
The Transcript.

And, in the City of Quebec, in the Quebec Gazette, by authority.  
The Quebec Mercury.  
The Quebec Gazette, by Neilson.  
La Gazette de Québec, par Neilson.  
Le Canadien, and  
Le Fantasque.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 25th April, 1842.

Public Notice is hereby given that the Office of this Commission will be held, for the present, in the City of Montreal, at the residence of John S. McCord, Esquire, Great St. James Street, and open for public business every day (Sundays and Holidays excepted) from 10 A. M. to 3 P. M.

All communications to be addressed' to Joseph E. Turcotte, Esquire, Secretary to the Commission.

(Signed by the Members of the Board.)

11.—*Resolved*, That the said Advertizement be translated and published in such Papers as are published in the French Language in the Province.

12.—*Resolved*, That a Messenger be engaged for the service of this Board, and that John Samuel McCord, Esq., do engage a fit and proper person for the purpose, and report to the Board what that person will require for his services.

13.—*Resolved*, That inasmuch as the original minutes of all proceedings before this Board are to be submitted to the Provincial Legislature, the said proceedings be kept in triplicate, and that the Secretary of this Board be directed to act accordingly.

14.—*Resolved*, That with a view to accomplish the important and difficult task reposed in this Board, it will be necessary, as wisely suggested in the Address of the Honorable Legislative Assembly, that the Board should consult freely with all those who may be considered as representing the two great parties concerned; that to effect this object, a circular accompanied by a series of questions be immediately and widely circulated in the Province among the following persons:—

The Members of the Honorable Legislative Council residing in Canada East.  
The Members of the Honorable Legislative Assembly also residing in Canada East.  
The Clergy of Eastern Canada.  
The Seigniors.  
The Members of the Bar of Eastern Canada.  
The Notaries,  
The Surveyors,  
The Physicians,  
The Merchants, } also of Eastern Canada.  
The Notables among the Inhabitants.

And that draughts of a series of Questions with draughts of Circulars adapted to each class of persons to whom ap-

plication will be made, be prepared by the Chief Commissioner, and submitted to this Board with all convenient speed.

The Chief Commissioner laid before the Board a series of Questions to be submitted to the Inspector General of the Queen's Domain and to the *Greffier du Papier-Terrier*.—See Letter A.

To the Clerk of the Provincial Court of Appeals for Eastern Canada.—See Letter B.

To the joint Prothonotary of Her Majesty's Court of King's Bench for the District of Quebec.—See Letter C.

To the joint Prothonotary of Her Majesty's Court of King's Bench for the District of Montreal.—See Letter D.

To the Prothonotary of the Court of King's Bench for the District of Three Rivers.—See Letter E.

15.—*Resolved*, That the said several series of Questions be referred to Messrs. McCord and Doucet to report thereon to-morrow.

Adjourned until to-morrow morning at ten o'clock.

TUESDAY, 26TH APRIL, 1842.

Present:—

The Chief Commissioner.  
Messrs. McCORD and DOUCET, Joint Commissioners.

Messrs. McCord and Doucet reported to the Board the several series of Questions laid before them yesterday by the Chief Commissioner, without any amendments.

1.—*Resolved*, That the Board do concur in the said Report, and the said several Questions be immediately engrossed and forwarded to the several officers to whom they are to be addressed.

The Chief Commissioner informed the Board that in furtherance of the verbal order given him yesterday, he had engaged Mr. Samuel Finden as Writer, at the rate of ten shillings, currency, per diem, to work from 10 o'clock, A. M. until 4 P. M.

2.—*Resolved*, That two other Writers or Clerks be immediately engaged to copy, each, one of the journals of the proceedings of this Board, and other business relating thereto; and that Mr. McCord be requested to engage two fit and proper persons well versed in the English language, and one of them well versed in the French, and to report to the Board by to-morrow.

3.—*Resolved*, That at the opening of every meeting of this Board, the minutes of the preceding day be first read.

4.—*Resolved*, That the several entries in the Journal of the proceedings of this Board, to be kept in triplicate, be regularly and daily made up, and next revised by one of the Members of this Board every Monday morning, pending the inquiry; and that in case this service should in anywise be neglected, the same shall be forthwith reported at the next meeting of the Board, to be proceeded thereon as the case may require.

The Chief Commissioner informed the Board, that he had written to the Honorable Dominick Daly, Secretary for Eastern Canada, and had enclosed to that gentleman, a certified copy of the Resolutions Nos. 2 and 3, passed by this Board yesterday, as follows:

Commission of Inquiry on the Seigniorial Tenure,

MONTREAL, 25TH APRIL, 1842.

Sir,—I have the honor of enclosing for the information of His Excellency the Governor General, a copy of two Resolutions passed at a meeting of the Board this day held, which I pray you will have the goodness to submit for His

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Excellency's favorable consideration, at your earliest convenience.

I have the honor to be, Sir,

Your most obedient, and very humble servant,

(Signed,) GEORGE VANFELSON,  
Chief Commissioner.

The Honorable D. DALY,  
Secretary, Canada East, Kingston.

5.—*Resolved*, That a letter be immediately written to Joseph E. Turcotte, Esquire, to repair to this City to attend to the duties of his office as Secretary of this Board, and the Chief Commissioner be requested to write accordingly; to enclose a certified copy of this Resolution to the said Joseph E. Turcotte, and particularly to call upon him to explain the reasons of his absence.—Adjourned until to-morrow at ten o'clock, A. M.

WEDNESDAY, 27TH APRIL, 1842.

*Present* :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

Minutes of the last meeting read and confirmed.

Mr. McCord reported he had made the necessary arrangements with the Post Office Department in this City, so that all letters to and from the Board shall be regularly charged to the Commission, to be settled monthly by the Treasurer.

Mr. McCord also reported he had secured the services of Mr. Nelson Walker and Mr. George H. Cherrier, the two additional Clerks required for the service of the Board, on the same terms as those of Mr. Finden.

The Chief Commissioner informed the Board that he had written to the Secretary as he was directed to do, and presented to the Board a duplicate of the said letter.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 26TH APRIL, 1842.

Sir,—It becomes my duty to inclose you a copy of the Resolution of the Board of Commissioners, adopted in relation to your absence from Montreal, where you have been expected ever since the 22nd instant, to attend as Secretary to the Board. By perusing this Resolution, you will notice that it calls upon you to repair to this place without loss of time, and also to account for your absence.

I have further, in the name of the Board, to state that it is expected you will immediately comply with the request of the Commissioners as embodied in the Resolution; inasmuch as the services of the Secretary cannot be dispensed with for a moment.

I have the honor to be, Sir,

Your very obedient and very humble servant,

(Signed,) GEORGE VANFELSON,  
Chief Commissioner.

The Chief Commissioner, in pursuance of the order of the Board, presented draughts of letters to be addressed to the several Officers named in the Resolution No. 14, adopted by the Board on the 25th instant; and thereupon the same were immediately taken into consideration by the Joint Commissioners, and, after a careful examination, reported upon without amendment.

1.—*Resolved*, That this Board do concur in the said Report, and that the said letters be engrossed and despatched, together with the several series of Questions approved of by the Board.—See Letter F.

Adjourned until to-morrow at 10 o'clock, A. M.

THURSDAY, 28TH APRIL, 1842.

*Present* :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

Read the minutes of the last meeting.

The Chief Commissioner laid before the Board the draughts of a series of Questions to be submitted to the Honorable John Stewart, Commissioner to the Estates of the late Order of Jesuits in Eastern Canada, and which Estates have devolved to the Crown.

Mr. McCord laid before the Board a schedule by him prepared in reference to the said series of Questions, and to the Questions intended to be submitted to the several Seigniors in Canada East.

*Ordered*, That the same be taken into consideration by the whole Board to-morrow.

Adjourned until to-morrow a 10 o'clock, A. M.

FRIDAY, 29TH APRIL, 1842.

*Present* :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

Read the minutes of the Board of yesterday, and they are hereby confirmed.

The Chief Commissioner laid before the Board a series of Questions to be submitted to the Agent of the *Fief* or Seignior of Lauzon, lying and situate in the District of Quebec.

*Ordered*, That the same be taken into consideration by the two Joint Commissioners, and to report thereon to-morrow.

Mr. McCord, one of the Joint Commissioners, laid before the Board, the draught of a letter to be addressed to the said Agent.

*Ordered*, That the same be taken into consideration by the whole Board to-morrow.

The draught of a series of Questions intended for the Honorable John Stewart, Commissioner to the Jesuits' Estates, was taken into consideration by the Board, approved of, and is hereby ordered to be engrossed.—See Letter G.

1.—*Resolved*, That a general statement of the *Fiefs* and *arriere fiefs* in the Province, be made out from the several Schedules returned with the Seigniors' answers,—also showing the names and situations of such other *Fiefs* and *arriere fiefs* as may be owned by Seigniors who have not answered to the call of this Board, if there should be any defaulter; with such information, for the latter cases, as may be had from other sources; and that Mr. Doucet, one of the Joint Commissioners, do prepare the same, and report thereon, from time to time, to the Board.

2.—*Resolved*, That the Schedule presented yesterday by Mr. McCord be adopted, and forthwith translated by the Secretary of the Board.—See Letter H.

3.—*Resolved*, That the very next series of Questions which the Chief Commissioner may be pleased to prepare

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be the draughts of those intended for the several Seigniors in the Province.

Adjourned until to-morrow, at 10 o'clock.

SATURDAY, 30TH APRIL, 1842.

Present :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

The Minutes of yesterday were read and confirmed.

The Board proceeded to take into consideration the series of Questions intended to be submitted to the Agent of the Seignior of Lauzon, and the same having been approved of, ordered that they be engrossed and forwarded immediately.—See Letter I.

The draught of the letter submitted by Mr. McCord yesterday was also taken into consideration, approved of, and ordered to be engrossed and forwarded.—See Letter I.

The Chief Commissioner laid before the Board a series of Questions intended to be submitted to the several Seigniors of *Fiefs* within this Province, the said draughts, referred to Messrs. McCord and Doucet to report thereon on Monday.

Mr. McCord submitted a draught of a Circular addressed to the Seigniors, to be taken into consideration by the whole Board on Monday.

1.—*Resolved*, That inasmuch as by a Resolution of the Board of the 25th instant, the Chief Commissioner was charged with the draughts of the several series of interrogatories to be submitted to Seigniors, &c., the services of Mr. Finden, one of the Clerks of the Board, be assigned to the Chief Commissioner to aid him in the above work, and that Mr. Finden be directed to act accordingly.

2.—*Resolved*, That the several series of interrogatories to Seigniors, and every other series of Questions to be hereafter made out, be draughted in the English Language, and afterwards translated into French, under the order of the Board.

3.—*Resolved*, That Mr. McCord be requested to superintend the making out of the Journal and Appendix in triplicate, and to revise the same as the work progresses.

Adjourned until 4 o'clock this day.

SATURDAY afternoon, 4 o'clock.

Pursuant to the above adjournment the Board met.

Present :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

And adjourned to Monday next at 10 o'clock, A. M.

MONDAY, MAY 2ND, 1842.

Present :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

Mr. Turcotte, the Secretary of this Board, presented himself this morning with the Official letter of the Honorable

D. Daly, Secretary for Canada East, dated Kingston, 7th April, 1842, as follows :—

SECRETARY'S OFFICE,  
Kingston, 7th April, 1842.

Sir,—I am commanded by the Governor General to inform you that His Excellency has been pleased to name you to the Office of Secretary to the Commission lately appointed to inquire into the Seigniorial Tenure of Land in Eastern Canada.

You will have the goodness accordingly to lose no time in placing yourself in communication with the Chief Commissioner, Mr. G. Vanfelson, of Quebec, that you may receive from him such instructions as may be requisite for your official guidance in this capacity.

I have the honor to be Sir,

Your most obedient Servant,

(Signed,) D. DALY,  
Secretary.

J. E. Turcotte, Esquire,  
M. P. P. &c. &c. &c.

The Secretary, at the same time, presented to the Board a letter explanatory of his absence from the duties of his office, as follows :—

MONTREAL, 28TH APRIL, 1842.

Sir,—I have duly received copy of a Resolution of the Board of Commissioners of the 26th instant, together with your letter of the same date, calling upon me to state the reasons of my absence;—and in answer, I beg leave to inform you that I was absent from Three Rivers when your letter of the 22nd instant came there, informing me that the first meeting of the Board would take place on Monday, the 25th, being the very day on which only I received your letter of the 22nd. I then had the misfortune of missing the Steamboat of that day, and there was no Steamboat coming up on the day following. I was thus unwillingly detained and prevented from coming up before to-day, Thursday.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) J. E. TURCOTTE.

G. VANFELSON, Esquire,  
Chief Commissioner.

Messrs. McCord and Doucet, to whom the series of Questions laid before the Board on Saturday by the Chief Commissioner, were referred, reported that they had gone through the said series of Questions,—made several amendments, and had added four new Questions.

1.—*Resolved*, That the said Report be now taken into consideration.

2.—*Resolved*, That this Board do concur in the said Report.

*Ordered*, That the said series of Questions to Seigniors, as amended, be engrossed.—See Letter J.

*Ordered*, That the same be immediately translated into the French language by the Secretary.

*Ordered*, also, That one hundred English and one hundred and fifty French copies be immediately printed, and distributed among the several Seigniors in the Province.

The Board proceeded next to take into consideration the draught of a letter intended for the Seigniors, to accompany the said Questions.—See Letter J.

3.—*Resolved*, That the said draught be adopted, and that the same be engrossed and translated into the French language.

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*Ordered*, That a like number of copies of the said letter be printed in the English and French languages.

*Ordered*, That the Bill introduced in the Legislative Assembly of the Province, on the 31st of August, 1841, and intituled, "An Act to provide for the voluntary commutation of the Seigniorial Tenure in the Seigniories of Lower Canada," be translated into French, and that two hundred and fifty copies of it be printed in the English language and five hundred in the French language, to be distributed with and accompany the series of Questions, as the Board shall think fit to direct.

4.—*Resolved*, That the Board having gone through the several matters brought before them, and there being now in progress as much business as will employ the Secretary and Clerks for several days, the present session of the Board be adjourned to the call of the Chief Commissioner.

TUESDAY, 10TH MAY, 1842.

*Present* :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

The minutes of the last Meeting were read and confirmed.

Mr. McCord laid before the Board, the Official Letter from the Provincial Secretary, dated Kingston, 2nd May, 1842, addressed to the Commissioners of this Board, in answer to the Resolutions of the 25th ultimo, respecting Offices and contingencies; in consequence of which the Board took possession this day of the Offices in the old Government House, formerly occupied by the Post Office Commission. The said Letter is as followeth :—

SECRETARY'S OFFICE,  
Kingston, 2nd May, 1842.

Gentlemen,—In reply to your Resolutions of the 25th ult. I am commanded by the Governor General to inform you, that His Excellency has been pleased to direct Mr. David Luck, the Office Keeper in charge, to put you in possession of the rooms in the old Government House lately occupied by the Post Office Commissioner; and that in addition to a warrant for £50 currency, lately issued in the name of the Mr. Chief Commissioner Vanfelson, on account of the contingent expenses of your Board, His Excellency is further pleased to authorize the immediate issue of a second in the same form, for £100 currency.

I have the honor to be, Gentlemen,

Your most obedient Servant,

D. DALY,  
Secretary.

The Commissioners of Feudal Seigniori Inquiry,  
&c. &c. &c.

Mr. McCord reported an answer received from the Honorable John Stewart, Commissioner of Jesuits' Estates, respecting the series of Questions submitted to him by the Board.—See No. 4.

Mr. McCord also reported a Letter received from Antoine Archange Parent, Esquire, Agent of Fief Lauzon, in answer to the series of Questions submitted to him by this Board, which Letter encloses answers to the said Questions. For said Letter and answers to Interrogatories.—See No. 3.

*Resolved*, That a general list of persons to whom Circulars and Questions are to be sent in the several Districts of Canada East, pursuant to the Resolution No. 14, of the 25th ultimo, be forthwith prepared, and that the said List be made out in three parts, viz: For the District of Quebec, by the Chief Commissioner,—for the District of Montreal, by Mr. McCord, and for the District of Three Rivers, by Mr. Doucet.

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Mr. McCord also reported, pursuant to the Resolution of the Board, No. 12, of the 25th ultimo, that he had engaged Robert Julien, as Messenger, and that the said Messenger was to be paid at the rate of five pounds per month.

*Resolved*, That this Board do concur in the said Report.

Adjourned until to-morrow at 10 o'clock, A. M.

WEDNESDAY, 11TH MAY, 1842.

*Present* :—

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esquire,  
NICHOLAS BENJAMIN DOUCET, Esquire,  
Joint Commissioners.

The minutes of yesterday's proceedings read and confirmed.

The Chief Commissioner laid before the Board a letter received by him from W. C. H. Coffin, Esquire, Prothonotary of Her Majesty's Court of King's Bench at Three Rivers, in answer to a letter accompanying a series of Questions transmitted to him by order of this Board. The said Letter is as followeth :—

THREE RIVERS, 29TH APRIL, 1842.

Sir,—I have the honor to acknowledge the receipt of your Letter of the 27th instant, inclosing a series of Questions, which the Board of Commissioners on the Seigniorial Tenure Inquiry, desire I should answer fully from this to 1st June next. Be pleased to accept my grateful thanks for the very flattering expressions used by you in conveying to me the wishes of the Board.

I can assure the Board, that I shall use my best endeavours to comply with their views, but from the nature and extent of the labour required of me, I greatly fear that it will be almost impossible within so limited a period to give them fully all the information and statements they require; the three last questions particularly cannot be answered without having previously perused the whole of the Registers of the Court of King's Bench for this District, which must necessarily occupy a great deal of time.

I have the honor to be, Sir,

Your most obedient Servant,

W. C. H. COFFIN,  
P. K. B.

TO GEORGE VANFELSON, Esquire,  
Chief Commissioner on the Seigniorial Tenure Inquiry,  
at their Office, Montreal.

The Secretary laid before the Board the translation of the series of Questions intended to be submitted by the Seigniors.

*Ordered*, That the same be taken into consideration by the Board, to-morrow.

The Chief Commissioner laid before the Board a series of Questions intended to be submitted to certain *Censitaires* in the several *Fiefs* in this Province.

*Ordered*, That the same be referred to Messrs. McCord and Doucet, to report thereon on Friday next.

1.—*Resolved*, That the same series of Questions lately sent to Antoine Archange Parent, Agent of the *Lauzon Fief*, be forthwith sent to Pierre Lambert, Esquire, late Agent of the said *Fief* for the Honorable Sir John Caldwell, proprietor of the said *Fief*, after the said Questions shall have been translated and altered, as the circumstances require.

Adjourned until to-morrow, at 10 o'clock, A. M.

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THURSDAY, 12TH MAY, 1842.

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*Present :—*

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esqr., Joint Commissioner.  
NICHOLAS BENJAMIN DOUCET, Esquire, was absent in  
consequence of indisposition.

The minutes of yesterday's proceedings were read and  
confirmed.

The translation laid by the Secretary before the Board  
yesterday, was taken into consideration, approved of, and  
ordered to be printed, and that 250 copies be struck off.

Adjourned until to-morrow, at 10 o'clock, A. M.

FRIDAY, 13TH MAY, 1842.

*Present :—*

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esqr., Joint Commissioner.  
Mr. DOUCET still absent from indisposition.

The minutes of yesterday's proceedings were read and  
confirmed.

The Secretary laid before the Board a translation by him  
made, of the Circular intended for the Seigniors; the same  
was taken into consideration, approved of, and 250 copies  
ordered to be printed.

Mr. McCord reported, pursuant to an order of the Board  
of the 11th instant, that he and Mr. Doucet had gone  
through the series of Questions intended for certain *Censitaires*  
in the several *Fiefs* in this Province, and had amend-  
ed some, and added several others: the said Report being  
taken into consideration, was approved of, ordered to be  
engrossed, printed, and that 500 copies be forthwith struck  
off.—See Letter J.

*Ordered*, also, That the Secretary do immediately translate  
the said Questions into the French language, and submit the  
same to the Board.

1.—*Resolved*, That Mr. McCord do prepare the draught  
of a Circular to accompany the said series of Questions,  
and to lay the same before the Board to-morrow.

The Chief Commissioner laid before the Board a portion  
of the List he was directed to prepare, pursuant to Resolu-  
tion No. 1, of the 10th instant, for the District of Quebec,  
viz: for the Counties of Saguenay, Montmorency, Rimouski,  
Kamouraska, and also for the City and Counties of  
Quebec, Islet and Bellechasse.

Adjourned until to-morrow, at 10 o'clock, A. M.

SATURDAY, 14TH MAY, 1842.

*Present :—*

The Chief Commissioner,  
JOHN SAMUEL McCORD, Esq., Joint Commissioner.  
Mr. DOUCET still absent from indisposition.

The Minutes of yesterday's proceedings were read and  
confirmed.

Mr. McCord laid before the Board, pursuant to Resolu-  
tion No. 1, of the 13th instant, the draught of a Circular to  
accompany the series of Questions to *Censitaires*, which  
was taken into consideration, approved of, and 500 copies  
ordered to be printed.—See Letter J.

The Secretary laid before the Board a translation of the  
above Circular, which was approved, and 1000 copies  
ordered to be printed.

The Secretary laid before the Board an Official Letter  
received from the Honorable John Stewart, Commissioner  
of Jesuits' Estates, accompanied by answers to the fifteen  
first questions submitted to him by this Board.—See No. 4.

Adjourned until Monday next, at 10 o'clock.

MONDAY, 16TH MAY, 1842.

*Present :—*

The Chief Commissioner.  
Mr. Commissioner McCORD.

The minutes of the last meeting were read and con-  
firmed.

Mr. DOUCET still absent from indisposition.

The Secretary presented the French translation of the  
Schedule draughted by Mr. McCord.

The Chief Commissioner reported further progress made  
in the list of Persons to whom circulars and interrogatories  
are to be addressed for the District of Quebec.

Mr. McCord reported similar progress made in the list  
for the District of Montreal.

Adjourned to the 17th instant, at 10 o'clock, A. M.

MONTREAL, 17TH MAY, 1842.

*Present :—*

The Chief Commissioner,  
Mr. Commissioner McCORD,  
Mr. Commissioner DOUCET.

The minutes of the last meeting were read and confirmed.

The Chief Commissioner reported his lists for the  
County of Dorchester.

1.—*Resolved*, That the Circular and accompanying  
Documents, for the several Counties in the District of  
Quebec, as far as they are now prepared, be handed to the  
Chief Commissioner, to be taken to Quebec, and there dis-  
tributed, so as to diminish the expense of postage as much  
as possible.

The Chief Commissioner was requested, on his return to  
Quebec, to urge those gentlemen in that City, to whom  
interrogatories have been addressed, to forward their  
answers within the least possible delay.

Adjourned until to-morrow, at 10 o'clock, A. M.

MONTREAL, 18TH MAY, 1842.

*Present :—*

The Chief Commissioner.  
Mr. Commissioner McCORD.

The minutes of the last meeting were read and con-  
firmed.

The several series of interrogatories and circulars being  
now prepared for Seigniors and *Censitaires*;

1.—*Resolved*, That they be addressed and forwarded  
according to the several lists; and as this duty will require  
several days, the Board adjourned to Monday next, the 23d  
instant.

MONTREAL, 23RD MAY, 1842.

*Present :—*

The Chief Commissioner.  
Mr. Commissioner McCORD.

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The minutes of the last meeting were read and confirmed.

The Chief Commissioner reported having entered into arrangements with the Post Office at Quebec to forward all communications, and charge the same to the Commission.

The Secretary laid before the Board, Letters received from the Honorable George Pemberton and Doctor Painchaud, acknowledging the receipt of the Circulars from this Board, and regretting their inability to comply therewith.

Also a letter from J. Motz, Esquire, Quebec, promising answers to the Interrogatories of the Board, at his earliest convenience.

Also a letter from Edward G. Wakefield, Esquire, Agent for the Seignior of Beauharnois, which being of a special nature, it was ordered to stand over for further consideration.—See No. 5.

The Chief Commissioner reported having seen the Inspector General of the Queen's Domain, and the Prothonotary of Quebec, who respectively promised to send in their Returns by the day limited in the letters of the Board, or shortly after.

Mr. McCord laid before the Board a letter received from the Honorable J. M. Fraser, promising answers to interrogatories.

The Chief Commissioner submitted his lists completed for the Counties of Portneuf, Lotbinière and Beauce, in the District of Quebec, with the following exceptions, viz:—Megantic, because it contains no Seigniorics, and Gaspé and Bonaventure, because they contain few Seigniorics, small settlements and very distant from each other, intending nevertheless to send questions to some of the *Notables* resident in that section of the Province.

To-morrow, the 24th May, being Her Majesty's Birthday, will be observed as a Holiday, and the Board in consequence adjourned to Wednesday next, at 10 A. M.

WEDNESDAY, 25TH MAY, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner McCORD.

The minutes of the last meeting were read and confirmed.

The Secretary submitted the following letters received, viz: one from the Inspector General of the Queen's Domain, promising his answers to interrogatories in the course of the present week; from the Honorable W. Sheppard, and J. G. Barthe, Esquires, M. P. P. promising answers to interrogatories.

The Secretary was directed to address a letter to the Clerk of the Court of Appeals, praying his early attention to the interrogatories submitted to him by the Board.

The Secretary was also directed to address a letter to the Secretary of the Province, intimating that one of the copies of the Minutes and Appendix of the proceedings of this Board (which are kept in triplicate) is ready for the inspection of His Excellency the Governor General, should His Excellency be pleased to require the same.

*Resolved*, That the Clerks and Messenger be paid for their services during the last month, and that their accounts be paid in future monthly.

To-morrow being the *Fête of Corpus Christi*, will be observed as a Holiday by the Board, which in consequence adjourned to Friday morning next at 10 o'clock.

FRIDAY, 27TH MAY, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner McCORD.

The minutes of the last meeting were read and confirmed.

Answers to interrogatories were received from Dr. Arnoldi, of Montreal, with two deeds of concession.—See No. 6.

A letter received from James McKenzie, Esquire, of Quebec, containing his answers to questions.—See No. 7.

A letter received from Mr. Anthony Bisson, from Quebec, promising answers to interrogatories.

Received a letter from the Superior of the General Hospital of Quebec, referring to the lessee of the Seignior of Berthier, Bellechasse, for answers to interrogatories, and enclosing a copy of the title of the said *Fief*.

Letter received from Paul Joseph Lacroix, Esquire, of Montreal, who declines answering interrogatories from indisposition.

Adjourned until to-morrow, at ten o'clock, A. M.

SATURDAY, 28TH MAY, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner McCORD.

The minutes of yesterday's proceedings read and confirmed.

The Secretary informed the Board he had written a letter to the Clerk of the Court of Appeals, as directed on the 25th instant.

Also a letter to the Provincial Secretary, on the subject of the Journal and Appendix now ready for the inspection of His Excellency the Governor General.

The Secretary submitted letters and interrogatories to Messrs. Lambert and Tetu, pursuant to Resolution of the Board of the eleventh instant; approved and ordered to be forwarded.

The Chief Commissioner submitted a letter and interrogatories for John Thomson, Esquire, Agent for the Mills of the Seignior of Lauzon; the same were immediately taken into consideration, approved and ordered to be transmitted.—See No. 8.

The Chief Commissioner submitted a series of interrogatories to be submitted to the Gentlemen of the Bar for Canada East, which were discussed, approved, and ordered to be translated, printed and circulated.—See No. 8.

Mr. McCord was requested to prepare a circular to the Gentlemen of the Bar, to accompany the said interrogatories; 150 English and 200 French copies of interrogatories and circular to be printed.

Mr. McCord reported the completion of the duty assigned him in the preparation of the list of persons to whom interrogatories are to be addressed within the District of Montreal.

In consequence of the severe indisposition of Mr. Commissioner Doucet, to whom had been assigned the duty of making the lists for the District of Three Rivers, Mr. McCord reported that, with the assistance of the Secretary, he had completed that list also.

The Secretary submitted letters received from the following Gentlemen, viz:—

John Kane, of Baie St. Paul, promising answers to interrogatories.

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C. P. Huot, of Baie St. Paul, promising answers to interrogatories.

E. Tremblay, of Malbaie, declining to answer.

J. Oliva, of St. Thomas, promising to answer.

The Officers of the Board having now has much business prepared as will occupy a week in the execution thereof,

*Resolved*, That the Board do adjourn to the call of the Chairman; and with a view of saving a large sum in postages, the Secretary is directed to convey the Circulars, &c., for the District of Three Rivers, to the Town of Three Rivers, and there forward the same by private hand to their several destinations.

The Chief Commissioner took charge of the remainder of the Circulars for the District of Quebec.

MONTREAL, 13TH JUNE, 1842.

*Present* :—

The Chief Commissioner,  
Mr. Commissioner McCORD.

Pursuant to notice from the Chief Commissioner, the Board resumed its Session this day.

The minutes of the last meeting read and confirmed.

The Chief Commissioner presented the answers of the Honorable John Stewart, Commissioner of Jesuits' Estates, to whom interrogatories were submitted, accompanied by a great number of documents relative to the Seigniories of Laprairie, Sillery, St. Gabriel, Belair, Cap La Magdeleine, Batiscan, enclosing twelve copies of Concessions in Cap La Magdeleine, and twenty four in Batiscan.—See No. 9.

The Chief Commissioner also presented the answer of the Inspector General of the Queen's Domain and *Greffier du Papier Terrier*, to the series of questions to him submitted, accompanied by a general list :—

*Firstly*,—Of the Seigniors and Seigniories in the Province of Canada East.

*Secondly*,—A list of Seigniors who have applied for a commutation of tenure, and

*Thirdly*,—A list of persons who have applied for a commutation of tenure for property held *en roture*.—See No. 10.

The Chief Commissioner also laid before the Board the answer of the Clerk of the Court of Appeals to questions submitted to him.—See No. 11.

Also, the answer of the Prothonotary of Her Majesty's Court of King's Bench for the District of Quebec, relating to the Notarial Records under his charge, together with a list of Concessions made in the District of Quebec, and a letter from the same promising the information required in relation to the Records of the Court of Common Pleas, and the present Court of King's Bench, in the course of the week.—See No. 12.

The Chief Commissioner also laid before the Board the answer of John W. Woolsey, Esquire, *Censitaire*, accompanied by a Document.—See No. 13.

Also, an answer from the Honorable Jean Baptiste Taché, of Kamouraska.—See No 14.

The Chief Commissioner informed the Board that the whole of the Circulars addressed to the Seigniors, *Censitaires*, and Advocates, in the District of Quebec, including the Inferior District of Gaspé, have all been forwarded to their several destinations.

Mr. McCord reported having received, during the absence of the Chief Commissioner, the following Documents, to wit :—

*Firstly*, Letters from the following Gentlemen, who have promised answers to the Interrogatories submitted to them at their earliest convenience :—

De Hertel,	Argenteuil.
Chaffers,	St. Cesaire.
Quimet,	Montreal.
Lacombe,	do.
Messire Paquin,	St. Eustache.
Honble. H. Heney,	Three Rivers.
Pacaud,	do.
Forbes,	Carrillon.
Marquis,	St. André.
Pouliot, Junr.,	Rivière du Loup.
Marquis, Senr.	St. André.
Hubert,	Yamachiche.
Papineau,	Petite Nation.
Berczy,	Daillebout.
Rousseau,	Bécancour.
Messire Dufresne,	St. Gervais.
Messire Hebert,	St. Paschal.
Viel,	Rivière du Loup.
Messire Montminy,	St. André.
Methot,	Quebec.
Lapointe,	St. André.
Sirois,	do.
Methot, N. P.	St. Pierre les Becquets.
Archambault,	St. Roch.
Martin,	St. Paschal.
Beaupré,	do.
Joseph Hudon,	do.

And,

La Coste,	Boucherville.
Messire La Roche,	St. Hyacinthe.

if they can make it convenient.

*Secondly*, from the following gentlemen, who have declined to answer :—

Johnson,	Montreal.
Boisseau,	Quebec.
Honble. L. Guy,	Montreal.
Driscoll,	do.
Larue,	St. Valier.
Goyette,	Longueuil.
Blouin,	St. Valier.
T. Simard,	Malbaie.
Messire Naud,	Isle d'Orleans.
Messire Durocher,	Belœil.
Morin,	Rivière du Loup.
Rodier,	Montreal.
Boudreau,	Malbaie.

*Thirdly*, Answers from the Honorable John Stewart, with Schedule filled up, accompanied by fifty seven concessions in the Seigniorie of Notre Dame des Anges.—See No. 15.

Answer from the Prothonotary of Quebec to the ninth interrogatory submitted to him.—See No. 16.

Answers from Messire Ricard.—See No. 21.

Do.	Germain Desgagniers.
Do.	Messire Renvoyzé.
Do.	L. Renvoyzé.
Do.	John Thomson.
Do.	Laurent Genest.
Do.	Messire Mangeau.—See No. 20.
Do.	C. P. Huot.
Do.	L. Belanger.—See No. 19.
Do.	Barbeau.—See No. 18.

Mr. McCord laid before the Board, letters from John Simpson, Esquire, M. P. P. Coteau du Lac, and D. M. Armstrong, Esquire, M. P. P. Berthier, both requesting additional numbers of interrogatories, which were immediately forwarded.

Also, a letter from the Honble. J. B. Taché, of Kamouraska, enquiring whether he will be reimbursed the expenses incurred in preparing copies of Acts required by the Board, should he incur the same.

*Resolved*,—That the Secretary do write to Mr. Taché,

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informing him that the Board is not provided with funds to meet his request.

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Mr. McCord reported having made out and forwarded the circulars intended for the gentlemen of the Bar for the Districts of Montreal and Three Rivers.

Mr. McCord also reported, that during the recess, he had caused Alphabetical Lists to be prepared of the names of all persons within the three Districts to whom circulars and interrogatories had been addressed.

Mr. McCord, as Treasurer, submitted a statement of the funds in his hands since the nomination of the Commission, by which it appears that he had received the amount of two warrants issued in favor of the Chief Commissioner, amounting together to the sum of one hundred and fifty pounds, currency, out of which he had paid the sum of one hundred and eight pounds two shillings and five pence, for the payment of which he submitted receipted Vouchers in duplicate, leaving a balance in his hands of forty one pounds seventeen shillings and seven pence, which balance he handed over to the Chief Commissioner.

Mr. McCord notified to the Board, his promotion to the Bench of one of the District Courts of this Province, by means whereof he was under the necessity of vacating his seat at this Board;—and therefore,

*Resolved*, That this Board do adjourn till to-morrow, at 10 o'clock, A. M. at the residence of Mr. Commissioner Doucet, Great St. James Street.

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TUESDAY, 14TH JUNE, 1842.

*Present* :—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of the last meeting read and confirmed.

Having taken into consideration the declaration made by Mr. Commissioner McCord, yesterday, informing the Board of his promotion to the Bench as District Judge, by means whereof he was under the necessity of vacating his seat at the Board, and afterwards withdrew.

*Resolved*, That it is with feelings of deep regret we separate from John Samuel McCord, Esquire, one of the members of this Board, who discharged the duty imposed upon him with zeal and ability, exhibiting on all occasions sentiments of the most impartial and judicious nature towards effecting the inquiry in progress on the Seigniorial Tenure.

*Resolved*, That we hail with sincere satisfaction the appointment of the said John Samuel McCord as one of the District Judges of the Province, confident that he will discharge his Judicial duties with advantage to the public and honor to himself.

*Resolved*, That the foregoing Resolutions be transmitted to the said John Samuel McCord, Esquire, by the Secretary of this Board.

Adjourned until to-morrow, at 10 o'clock, A. M.

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WEDNESDAY, 15TH JUNE, 1842.

*Present* :—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The proceedings of last meeting read and confirmed.

The Secretary laid before the Board a letter received from E. Marchand, Esquire, Notary, of the Parish of St. André, promising answers to the series of questions submitted to *Censitaires*.

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Also, a letter from Robert Mailhot, Esquire, of Valcartier, declining to answer.

The Chief Commissioner informed the Board he had written to the Assistant Secretary, requiring a Warrant for £350, to pay certain contingencies already incurred, and to meet the like for the future.

Adjourned until to-morrow, at 10 o'clock, A. M.

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THURSDAY, 16TH JUNE, 1842.

*Present* :—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of last meeting read and confirmed.

The Secretary laid before the Board, a letter from the Reverend M. Townsend, promising answers.

Also, a letter from the Reverend Messire Viau, V. G. declining to answer.

The Chief Commissioner informed the Board he had written to the Assistant Secretary of Canada East, requesting that orders should be forthwith given to the following Officers, viz :

The Inspector General of the Queen's Domain,  
The Clerk of the Court of Appeals,  
The Prothonotary of Quebec,  
The Prothonotary of Three Rivers, and

The Prothonotary of Montreal, to afford the Chief Commissioner free access to all Public Records and Notarial Deeds in their custody.

Also, a letter to the Assistant Secretary, intimating that the Prothonotary at Montreal had not complied with the request of the Board, relative to the series of questions and letter to him transmitted the latter end of April last.

Adjourned until to-morrow, at 10 o'clock, A. M.

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FRIDAY, 17TH JUNE, 1842.

*Present* :—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

The Chief Commissioner laid before the Board, an official letter by him received, yesterday, from the Assistant Secretary, in answer to the application made for a further advance to cover and meet the contingencies, requesting a report of the progress made on the present Inquiry. The letter is as follows :—

SECRETARY'S OFFICE,  
Montreal, 16th June, 1842.

Sir,—I am commanded by the Governor General, with reference to your application for a further advance to cover the contingent expenses of the Seigniorial Tenure Commission, to request such a Report of Progress as may place His Excellency in full possession of the mode of proceeding: the Commissioners have instituted, and the present state of the Inquiry.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) CHRISTOPHER DUNKIN,  
Assistant Secretary.

To G. VANFELSON, Esquire,  
&c. &c. &c.

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Also, a letter from the same, in answer to one written by the Chief Commissioner in relation to having free access to all Public Records and Notarial Acts. The letter is as follows:—

SECRETARY'S OFFICE,  
Montreal, 16th June, 1842.

Sir,—Having laid your letter of yesterday's date before the Governor General, I am commanded in reply to inform you, that His Excellency has been pleased to direct the several Public Officers you therein mention, to afford the Commissioners of Seigniorial Tenure Inquiry every facility which by Law, and consistently with their Official duty, they can afford, as regards access to Records and Notarial Acts in their custody.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) CHRISTOPHER DUNKIN,  
Assistant Secretary.

To G. VANFELSON, Esquire,  
&c. &c. &c.

The Secretary laid before the Board, letters received from the following persons, promising answers to questions, viz:

J. Benoit, of St. Dominique.  
T. Bouthillier, of St. Hyacinthe,  
H. N. Patton, of St. Joseph, Pointe Levy.

Also, a letter and answers received from the Honorable John Stewart, Commissioner to the Jesuits' Estates, completing the whole of his answers to the several queries submitted to him, viz:—The Schedule filled up for the *Fief* Pachinny, and also for the *Fief* near Three Rivers.

—————  
SATURDAY, 18TH JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

The Secretary laid before the Board the answers of Adolphus Stein to the series of questions to him submitted as *Censitaire*, accompanied by a deed of Concession.

Also, a letter from the Rev. Richard Whitwell, declining to answer.

And lastly, a letter from Amable Morin, Esquire, N. P. as Agent to the *Fief* of St. Roch des Aulnets, accompanied with nineteen deeds of Concession, and stating that the owner of the said *Fief*, the Honorable A. Dionne, would answer the series of questions to him submitted as Seignior.

Adjourned until Monday next, at 10 o'clock, A. M.

—————  
MONDAY, 20TH JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of Saturday's proceedings were read and confirmed.

The Chief Commissioner, in the absence of the Secretary, laid before the Board, answers from the following persons as *Censitaires*, viz:—

John Kane, Esquire, N. P. of Baie St. Paul.

The joint answers of Joseph Simard, Louis Côté, and Hypolite Girard, all of Baie St. Paul.

Pierre Gagnon, of Isle aux Coudres.

Joint answers of Louis Massue and Jean Langevin, Esq., of Quebec.

Also, from Pierre Lambert, Esquire, of the Parish of St. Jean Chrisostôme, to the special series of questions to him submitted as late Agent of the *Fief* Lauzon.

Also, from Aug. Caron, Esquire, of the Parish of Ste. Anne, Côte de Beaupré.

Also, from Thomas Bédard, Esquire, N. P. of l'Assomption.

Also, letters from the following persons who promised to answer, viz: Alexander Graham of North George Town, and Colonel W. C. Hanson of Nicolet.

And, also, a letter from J. O. Arcand, Esquire, of St. Michel d'Yamaska, declining to answer, unless he is remunerated for so doing.

Adjourned until to-morrow, at 10 o'clock, A. M.

—————  
TUESDAY, 21ST JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

The Chief Commissioner informed the Board, that in obedience to the commands of His Excellency the Governor General, he had made out and forwarded to the Assistant Secretary, a Report of Inquiry as instituted by this Board, exhibiting every step taken and the course the Commissioners intend to follow until the present Inquiry be closed.

The Chief Commissioner also informed the Board, that he had written to the Assistant Secretary, for the information of His Excellency the Governor General, that four letters had been received at various periods from Notaries, asking to be remunerated for any documents they might furnish this Board, as also for the time they would be employed in preparing answers to series of questions to them submitted, three of them as *Censitaires*, and the fourth as Agent to a *Fief*, and requesting the commands of His Excellency on the subject; the Board having no funds at its disposal for such purpose, and which was notified to the applicants.

Adjourned until to-morrow, at 10 o'clock, A. M.

—————  
WEDNESDAY, 22ND JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

The Chief Commissioner, in the absence of the Secretary, laid before the Board a letter by him received from Mr. G. H. Cherrier, one of the clerks employed in the office, stating that from the ill state of his health, he could not for some time attend at the Office.

*Resolved*, Therefore, that Mr. Charles Spenard be employed, *pro-tempore*, in the room of Mr. Cherrier.

The Chief Commissioner also laid before the Board, a letter received from Thomas Jones, Esquire, Merchant.

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THURSDAY, 23RD JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

The Chief Commissioner, in the absence of the Secretary, laid before the Board a letter from G. H. Hyde, Esquire, Merchant, of Rivière du Loup, in the District of Three Rivers, and another from the Rev. T. Lundy, of Quebec, promising answers to questions submitted to *Censitaires*.

The Chief Commissioner informed the Board he had received a letter from W. C. H. Coffin, Esquire, Prothonotary of Three Rivers, promising answers in a few days to the questions submitted to him by this Board.

The Chief Commissioner also laid before the Board the answers received from the Honorable Amable Dionne, Seigneur of the *Fiefs* Ste. Anne La Pocatière, and St. Roch des Aulnets, accompanied with a Schedule.

Adjourned until to-morrow, at 10 o'clock.

FRIDAY, 24TH JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

There being no business before the Board, adjourned until to-morrow, at 10 o'clock.

SATURDAY, 25TH JUNE, 1842.

Present:—

The Chief Commissioner,  
Mr. Commissioner DOUCET.

The minutes of yesterday's proceedings read and confirmed.

The Chief Commissioner laid before the Board a letter received from P. De Boucherville, Esquire, Seigneur, in answer to the series of questions submitted to Seigniors.

Also, a letter from J. B. Tremblay, Esquire, Baie St. Paul, with answers to Interrogatories to *Censitaires*, inclosing two Deeds.

Also, a letter from the Reverend M. Brassard, Côteau du Lac, declining to answer Interrogatories.

The Chief Commissioner intending to leave this day for Quebec, with a view to commence the examination of all Public Records and Notarial Acts in the Prothonotary's custody, and also in the Office of the Provincial Secretary, as stated in his letter to Mr. Assistant Secretary of the 15th instant, and next proceed to Three Rivers for the like review of Public Documents, informed the Board he would enter upon that service at Quebec, on Monday next, and so continue until the sixth of July; and at Three Rivers, from the seventh to the thirteenth of July, leaving the lists of the Archives at Montreal for some other time.

In consequence,

*Resolved*, That the Board having gone through the several matters brought before it, and there being in progress as much business as will employ the Secretary when he resumes his duties, and Clerks in the Office, for upwards of three weeks, while the Chief Commissioner will be away on the above mentioned service, that the Board do adjourn *sine die*, to the call of the Chief Commissioner.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 7TH JULY, 1842.

Present:—

ALEXANDER BUCHANAN, Esquire,  
JOSEPH ANDRÉ TASCHEREAU, Esquire,  
JAMES SMITH, Esquire,  
Commissioners.

The Commissioners having met, Mr. Buchanan laid before the Board a letter addressed to him by Mr. Dunkin, Assistant Secretary, dated Québec, 2nd July instant, stating that a Commission had been issued under the Great Seal, appointing the present Board of Commissioners, and conveying the commands of His Excellency touching the course to be pursued by the Board on its organization.

The Commissioners perused various Documents transmitted to Mr. Buchanan by the Assistant Secretary, and took cognizance of the Correspondence and Journal of proceedings of the late Board of Commissioners.

It was determined that the Office hours of the Board should be each day, from 10 A. M. to 4 P. M.

No. 2.

*Series of Questions submitted to sundry Persons.*

A.

Office of Commissioners on the Seigniorial Tenure Inquiry.

For the Inspector General of the Queen's Domain, and Clerk (*Greffier*) of the Land Roll (*Papier Terrier*.)

Questions submitted to that Officer for the information of the Board of Commissioners.

1.—Will you be pleased to furnish the Board with a list of the names of all the Seigniors holding *Fiefs* or Seigniories in this Province, and state, in such list, where such property is situate, in what District, where such Seigniors resides, and if absent from the Province the name of the Agent of such Seignior, if you know of any, and the place of abode of such Agent?

2.—Can you furnish the Board with a list of the original Grants of all the *Fiefs* and Seigniories in the Province, and state therein by whom such Grant was made, whether by the *Compagnie des Cent Associés*, or by the Crown of France, before the Conquest, and by the Crown of England, since, and add to such list the names of those who made such Grants, the name of such Grantee, and the several dates of such Grants?

3.—Will you also furnish the Board with a list or inventory of the last fealty and homage (*foi et hommage*) rendered for each *Fief* in the Province, stating therein the name of the Seignior, his residence, name of the *Fief*, and in what District it lies, and the date of such fealty and homage?

4.—Will you also be pleased to furnish the Board with a list or inventory of the last *Aveu et Dénombrement* presented and exhibited by the Seigniors, for their several *Fiefs*, to the Crown, and of which *Aveu et Dénombrement* you are in possession, as *Greffier* of the *Papier Terrier*, stating in such list or inventory, the name of the Seignior who presented the same, his residence, name of the *Fief*, and in what District such *Fief* is situate, with the date of such *Aveu et Dénombrement*.

5.—How many Seigniors have, to your knowledge, applied for a commutation of Tenure, state their names, places of abode, and for what *Fiefs*, and the dates of the several applications?

6.—Have they all obtained a commutation of Tenure, if not, state those who did not obtain the same, and for what cause or reason?

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7.—How many persons holding lands *en arrière fief* or *en roture*, in the Queen's Domain, have applied for a commutation of Tenure; state their names, places of abode, for what property, where situate, and the time of such applications having been made.

8.—Have they all obtained a commutation of Tenure, if not, state those who did not obtain the same, and for what cause or reason?

9.—How and by what means or process was the commutation, amount or money adjusted and settled, between the Crown and Seigneur or *Censitaire*, and was such commutation paid over by the Seigneur or *Censitaire*, to the Crown immediately upon such commutations being allowed, or within a certain delay, or upon any other and what conditions?

10.—Are there any and what number of *arrière fiefs* in this Province; can you state the names of them, to what Seigniories they belong, where situate, their extent, the names of the proprietors, where they reside, if absentees, the name and place of abode of the Seigneur's Agent, and lastly, the date of the grant or concession of each, if to your knowledge or in your possession, with the names of the Grantor and Grantee, and that of the Notary who executed the same?

## B.

Office of Commissioners on the Seigniorial Tenure Inquiry.

Questions submitted by the Board of Commissioners to the Clerk of the Provincial Court of Appeals for the late Province of Lower Canada, now designated as Eastern Canada.

1.—Are you in possession of the several Registers of the Provincial Court of Appeals of the late Province of Quebec?

2.—Are you in possession of the Registers of the Provincial Court of Appeals for the late Province of Lower Canada, now known and called Eastern Canada?

3.—Are there not in the said Registers, several Decrees or Judgments rendered in cases of Appeal wherein Seigniors were Appellants, and *Censitaires*, Respondents, and other cases wherein certain *Censitaires* were Appellants, and Seigniors, Respondents, in which cases, matters of and concerning the Seigniorial Tenure were in question, and the subject matter of litigation?

4.—From such Registers, will you be pleased to furnish the Board with a list of all such Judgments as were rendered by the said Court of Appeals, in cases at the suit of Seigniors against *Censitaires* holding lands *en roture*, or in Appeals on behalf of *Censitaires* against Seigniors, having reference to Seigniorial dues or disputes, and more particularly of any Appeal wherein the nature of the charges or burthens were in question, the *quantum* of *cens et rentes* as exceeding the usual and ordinary rate, or of the claims and pretensions of the inhabitants to obtain from the Seigniors, grants of wood lands (*terres à bois*) and resisted by such Seigniors, or of any Appeal or Judgment, by the Seigniors against the inhabitants, to eject them from wood lands (*terres à bois*) they having taken possession, on refusal by the Seigniors to grant them the same, or Appeals wherein the *Censitaires* complained of the Seigniors for having introduced or inserted, into such grants, any new or exorbitant charges and conditions, or stipulating high and heavy *cens et rentes*, either in coin or produce, and if yea, will you furnish the Board with a list of such Appeals and Judgments?

5.—In such list, will you be pleased to state the names of the parties, the dates when the Appeals were instituted, and when the same were determined or abandoned, and the dates of the Judgments, if any were rendered?

## C.

Office of Commissioners on the Seigniorial Tenure Inquiry.

Questions submitted to the Joint Prothonotary of the Court of King's Bench for the District of Quebec, for the information of the Board of Commissioners.

1.—Have you not the custody and safe keeping of the Notarial Records of Notaries who have departed this life in the District of Quebec?

2.—Have you not a Book or Repertory for each Notarial Record in your possession?

3.—From such Books or Repertories and the Records in your custody, will you furnish the Board with an exact list of all the grants or concessions, *en roture*, of lands, made by Seigniors to *Censitaires*, as well of those made before as since the conquest of this Country by the British Arms, in such *Fiefs* or Seigniories as are situate within the District of Quebec?

4.—Will you furnish the Board with a list of all such Grants or Concessions, their dates, the names of the Grantor and Grantees, the name of the Notary who executed such grants or concessions, taking particular care to distinguish and keep separate the records of each Notarial Office?

5.—Are you not also the Guardians of the old Records of the late Court of Common Pleas for the District of Quebec, and also of the Records of Her Majesty's Court of King's Bench for the said District of Quebec?

6.—Are you not also in possession of the several Registers of and belonging to such Courts?

7.—From such Records and Registers, will you furnish this Board with a correct List of all Judgments rendered by the said Courts, in cases at the suit of Seigniors against their *Censitaires*, touching lands holden by them *en roture* or *en arrière fief*, or by *Censitaires* against Seigniors, having reference to Seigniorial dues or disputes, wherein the nature of the charges or burthens were in contestation and at issue, the *quantum* of the *cens et rentes*, or the claims and pretensions of Inhabitants against Seigniors to obtain grants of wood lands (*terre à bois*) in which the Seigneur resisted such claim, or of any suit, cause or action, and Judgment on behalf of the Seigneur against Inhabitants, to eject them from wood lands of which they had taken possession, on refusal of the Seigneur to grant them such Lands, or wherein the *Censitaire* complained of the Seigneur for having introduced into such grants new and exorbitant charges, or stipulating high and heavy *cens et rentes*, either in coin or produce; if yea, please furnish the Board with a list of such suits, causes, actions or Judgments.

8.—In such Lists will you state particularly the names of the parties, the date when the action, cause or suit was instituted, the nature of the action, when determined or abandoned, the date of the Judgment, if any rendered, the substance thereof, and by what Court given?

9.—Have any Seigniors in the District of Quebec or *Censitaires* holding land *en roture*, or persons holding land *en arrière fief* in your District, made a surrender of such Lands in open Court, according to the Statute in such case made and provided, by any proceeding taken before the Court of King's Bench for the District of Quebec; if yea, please to furnish this Board with a list of them, stating therein the names of the parties, for what property, where situate, whether *en fief*, *arrière fief*, or *en roture*, the time of such surrender, and the date of the act or order of the Court thereon.

## D.

Office of Commissioners on the Seigniorial Tenure Inquiry.

Questions submitted to the Joint Prothonotary of the Court of King's Bench for the District of Montreal, for the information of the Board of Commissioners.

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1.—Have you not the custody and safe keeping of the Notarial Records of Notaries who have departed this life in the District of Montreal ?

2.—Have you not a Book or Repertory for each Notarial Record in your possession ?

3.—From such Books of Repertories and the Records in your custody, will you furnish the Board with an exact list of all the grants or concessions, *en roture*, of lands made by Seigniors to *Censitaires*, as well as those made before as since the conquest of the country by the British Arms, in such *Fiefs* or Seigniories as are situate within the District of Montreal ?

4.—Will you furnish the Board with a list of all such grants or concessions, their dates, the names of the grantor and grantee, the name of the Notary who executed such grants or concessions, taking particular care to distinguish and keep separate the Records of each Notarial Office ?

5.—Are you not also the guardians of the old records of the late Court of Common Pleas for the District of Montreal, and also of the Records of Her Majesty's Court of King's Bench for the said District of Montreal ?

6.—Are you not also in possession of the several Registers of and belonging to such Courts ?

7.—From such Records and Registers, will you furnish this Board with a correct list of all Judgments rendered by the said Courts in cases at the suit of Seigniors against their *Censitaires*, touching lands holden by them *en roture* or *en arriere fief*, or by *Censitaires* against Seigniors having reference to seigniorial dues or disputes, wherein the nature of the charges or burthens were in contestation and at issue, the *quantum* of the *cens et rentes*, or the claims and pretensions of Inhabitants against Seigniors to obtain grants of wood lands (*terre à bois*) in which the Seignior resisted such claim, or of any suit, cause or action, and judgment on behalf of the Seignior against Inhabitants to eject them from wood lands of which they had taken possession on refusal by the Seignior to grant them such lands, or wherein the *Censitaire* complained of the Seignior for having introduced into such grants, new and exorbitant charges, or stipulating high and heavy *cens et rentes*, either in coin or produce ; if yea, please furnish the Board with a list of such suits, causes, actions or judgments ?

8.—In such list will you state particularly the names of the parties, the date when the action, cause or suit was instituted, the nature of the action, when determined or abandoned, the date of the judgment if any rendered, the substance thereof, and by what Court given ?

9.—Have any Seigniors in the District of Montreal, or *Censitaires* holding land *en roture*, or persons holding land *en arriere fiefs*, in your District, made a surrender of such lands in open Court, according to the Statute in such case made and provided, by any proceedings taken before the Court of King's Bench for the District of Montreal ; if yea, please to furnish this Board with a list of them, stating therein the names of the parties, for what property, where situate, whether *en fief*, *arriere fief*, or *en roture*, the time of such surrender, and the date of the act or order of the Court thereon ?

E.

Office of Commissioners on the Seigniorial Tenure Inquiry.

Questions submitted by the Board of Commissioners to William C. H. Coffin, Esquire, Prothonotary of the Court of King's Bench for the District of Three Rivers.

1.—Have you not the custody and safe keeping of the Notarial Records of such Notaries who have departed this life in the District of Three Rivers, since the year one thousand seven hundred and ninety four ?

2.—Have you not in your possession a Book or Repertory of all such Notarial Records for each separate Office of Notaries ?

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3.—From such Book or Repertory and the Records in your possession, will you be pleased to furnish the Board with a true and exact list of the several grants or concessions made by the Seigniors of lands *en roture*, to *Censitaires*, commencing from the oldest down to the latest Notarial Records in your possession, in such *Fief* or Seigniories, situate and being within the limits of the District of Three Rivers ?

4.—Will you state in such list, the date of the act, the names of the grantor and grantee, the name of the *Fief* or Seignior wherein the land so granted is situate, the name of the Notary who executed the same, taking care to keep apart and separate the Records of each Notarial Office ?

5.—Are you not also the guardian and in possession of the old Records of the Court of King's Bench for the District of Three Rivers, and are you not also in possession of the several Registers of and belonging to the said Court ?

6.—From such Records and Registers, will you be pleased to furnish the Board with a true and exact list of all judgments rendered by the said Court, in cases which originated at the suit of Seigniors against their *Censitaires*, holding land from them *en roture* or *en arriere fief*, or of actions by *Censitaires* against Seigniors having reference to seigniorial dues or disputes, and more particularly of any suits, causes and actions, or of any judgment, wherein the nature of the charges and burthens were disputed and put at issue or contestation, the *quantum* of the *cens et rentes* as exceeding what at the time was considered the usual and current rate in any particular Seignior, or of the claims or pretensions of the inhabitants to obtain from the Seigniors grants or concessions of wood lands, (*terres à bois*) and refused or resisted by such Seigniors, or of any suits causes or actions, and also judgments, by or in favor of Seigniors against inhabitants to eject them from such wood lands (*terres à bois*), the latter having taken possession of such lands privately, on the refusal by such Seigniors to grant or concede the same, or wherein any of the *Censitaires* complained of the Seignior for having introduced and inserted in such grants any new or exorbitant charges and conditions, or having stipulated high or exorbitant *cens et rentes* either in coin or other nature ; if yea, will you furnish the Board with a full and complete list of such suits, causes, actions and judgments ?

7.—In such list will you be pleased to state the names of both parties, the date when the action was instituted, the nature of the action, when determined or abandoned, the date of the judgment if any rendered, and the substance or analysis of such judgment ?

8.—Have any Seigniors holding Seigniories in the District of Three Rivers, or *Censitaires* holding land *en roture*, or persons holding land *en arriere fief*, ever made any and what surrender of such lands in open Court, with a view of obtaining a commutation of Tenure ; if yea, be pleased to furnish the Board with a correct list of them, stating therein the names of the parties, for what property, whether in *Fief*, *arriere fief*, or *en roture*, the time when such surrender was made or proceeding had, and the day or date of the act or order of the Court thereon.

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Circular to divers persons.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 27TH APRIL, 1842.

SIR,—The Board of Commissioners having resolved that a series of Questions should be immediately transmitted to you, to obtain information in reference to the inquiry on the Seigniorial Tenure, I have the honor to enclose you the several questions which the Board have settled should be submitted to you ; in doing so, it is my duty to state, as the wish of the Board, that each question be fully answered, to enable the Commissioners, from the useful information they expect from you, to extend their inquiry elsewhere.

It is my duty further to state, that the very limited period within which the Board is called upon to report on this

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grave and important subject, requires every possible diligence to be used, and with that view to impress upon you the urgent necessity of attending to this matter at your earliest convenience, and to forward your answers and the lists required, to the Secretary of the Board, on or before the fifteenth day of May next, at the latest.

I have the honor to be, Sir,

Your very obedient humble servant,

(Signed,) G. VANFELSON,  
Chief Commissioner.

To the Honorable F. W. PRIMROSE,  
&c. &c. &c.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 27TH APRIL, 1842.

Sir,—The Board of Commissioners having resolved that a series of Questions should be immediately transmitted to you, to obtain information in reference to the inquiry on the Seigniorial Tenure, I have the honor to enclose you the several questions which the Board of Commissioners have settled should be submitted to you; in doing so, it is my duty to state, as the wish of the Board, that each question be fully answered, to enable the Commissioners, from the useful information they expect from you, to extend their inquiry elsewhere.

It is my duty further to state, that the very limited period within which the Board is called upon to report upon this grave and important subject, requires every possible diligence to be used, and with that view, to impress upon you the urgent necessity of attending to this matter at your earliest convenience, and to forward your answers and such lists or abstracts as are required from you, to the Secretary of the Board, on or before the fifteenth day of May next, at the latest.

I have the honor to be, Sir,

Your very obedient humble servant,

(Signed,) G. VANFELSON,  
Chief Commissioner.

To EDOUARD DESBARATS, Esquire,  
&c. &c. &c.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 27TH APRIL, 1842.

Gentlemen,—The Board of Commissioners having resolved that a series of Questions should be immediately transmitted to you, to obtain information in reference to the inquiry on the Seigniorial Tenure, I have the honor to enclose you the several questions which the Board of Commissioners have settled should be submitted to you; in doing so, it is my duty to state, as the wish of the Board, that each question be fully answered, to enable the Commissioners, from the useful information they expect from you, to extend their inquiry elsewhere.

It is my duty further to state, that the very limited period within which the Board is called upon to report on this grave and important subject, requires every possible diligence to be used, and with that view to impress upon you the urgent necessity of attending to this matter at your earliest convenience, and to forward your answers and such other things as are required from you, to the Secretary of the Board, on or before the first day of June next.

I have only to add, that from the zeal and activity with which you generally discharge the duties of your office, the Board feel confident you will cheerfully comply with this

request, and exert yourselves in forwarding their views in every possible way in your power.

I have the honor to be, Gentlemen,

Your most obedient humble servant,

(Signed,) G. VANFELSON,  
Chief Commissioner.

To the Joint Prothonotary of the  
Court of King's Bench, Quebec.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 27TH APRIL, 1842.

GENTLEMEN,—The Board of Commissioners having resolved that a series of Questions should be immediately transmitted to you, to obtain information in reference to the inquiry on the Seigniorial Tenure, I have the honor to inclose you the several questions which the Board of Commissioners have settled should be submitted to you; in doing so, it is my duty to state, as the wish of the Board, that each question be fully answered, to enable the Commissioners, from the useful information they expect from you, to extend their inquiry elsewhere.

It is my duty further to state, that the very limited period within which the Board is called upon to report on this grave and important subject, requires every possible diligence to be used, and with that view to impress upon you the urgent necessity of attending to this matter at your earliest convenience, and to forward your answers and such other things as are required from you, to the Secretary of the Board, on or before the first day of June next.

I have also to add, that from the zeal and activity with which you generally discharge the duties of your office, the Board feel confident you will cheerfully comply with this request, and exert yourselves in forwarding their views in every possible way in your power.

I have the honor to be, Gentlemen,

Your very obedient humble servant,

(Signed,) G. VANFELSON,  
Chief Commissioner.

To the Joint Prothonotary of the  
Court of King's Bench, Montreal.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 27TH APRIL, 1842.

Sir,—The Board of Commissioners having resolved that a series of Questions should be immediately transmitted to you, to obtain information in reference to the inquiry on the Seigniorial Tenure, I have the honor to enclose you the several questions which the Board of Commissioners have settled should be submitted to you; in doing so, it is my duty to state, as the wish of the Board, that each question be fully answered, to enable the Commissioners, from the useful information they expect from you, to extend their inquiry elsewhere.

It is my duty further to state, that the very limited period within which the Board is called upon to report on this grave and important subject, requires every possible diligence to be used, and with that view to impress upon you the urgent necessity of attending to this matter at your earliest convenience, and to forward your answers and such other things as are required from you, to the Secretary of the Board, on or before the first day of June next.

I have only to add, that from the zeal and activity with which you generally discharge the duties of your office, the Board feel confident you will cheerfully comply with this

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request, and exert yourself in forwarding their views in every possible way in your power.

I have the honor to be, Sir,

Your very obedient humble servant,

(Signed,) G. VANFELSON,  
Chief Commissioner.

To WILLIAM C. H. COFFIN, Esq.,  
&c. &c. &c.

G.

Commission of Inquiry on the Seigniorial Tenure.

Questions submitted to the Honorable John Stewart, Commissioner of the Jesuits' Estates, situate in Eastern Canada, in the possession of the Crown, for the information of the Board of Commissioners on the present Inquiry.

1.—How long have you been Commissioner of the Jesuits' Estates situate in Eastern Canada?

2.—Are you in possession of the original grants or concessions of the several *Fiefs* or Seigniories and *arrière fief*, if any, belonging to the said estates; if yea, will you be pleased to furnish the Board with a certified copy, under your own signature, of every such grant or concession?

3.—If you are not in possession of such grants or concessions, will you inform the Board who, to your knowledge, is in possession of them?

4.—If the several grants or concessions be in possession of any of the agents to the said estates, will you give immediate directions to such agents to make out a copy of each grant or concession they may have in their possession, and certify the same, with orders from you to transmit them to the Secretary of this Board?

5.—Are you not also in possession of the acts of fealty and homage (*foi et hommage*) which were rendered by the late Order of Jesuits, for each *Fief* or *arrière fief*, when possessed of the said estates as a body corporate (*main morte*); if yea, will you be pleased to furnish the Board with a copy of the last fealty and homage rendered for each *Fief* or *arrière fief* of and belonging to the said estates, and will you certify such copy under your own signature?

6.—If you are not in possession of the said fealty and homage for each *Fief* or *arrière fief*, will you inform the Board who is, to your knowledge, in possession of them?

7.—If the said acts of fealty and homage be in the possession of any of the agents to the said estates, will you give immediate directions to such agent or agents to make out a copy of the last fealty and homage made for each *Fief* and *arrière fief*, and to certify the same under his own signature, with orders from you to transmit the same to the Secretary of this Board?

8.—Are you not likewise in possession of certain land rolls (*aveux et dénombremens*) made by the said late Order of Jesuits while possessed of the said estates, for such *Fiefs* or *arrière fiefs* of and belonging to such estates; if yea, will you be pleased to furnish the Board with a copy of the last *aveu et dénombrement* for each *Fief* or *arrière fief*, and certify the same?

9.—If you are not in possession of such *aveux et dénombremens*, can you inform the Board who is in possession thereof, to your knowledge?

10.—If the said *aveux et dénombremens* be in the possession of any of the agents to the said estates, will you give immediate directions to such agent or agents to make out a copy of the last *aveu et dénombrement* made for each *Fief* or *arrière fief*, and certify the same, with orders from you to transmit them to the Secretary of this Board?

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11.—Are you also in possession of the several *papiers terriers* made out and kept for each of the *Fiefs* or *arrière fiefs* belonging the said estates; if yea, state whether such *papiers terriers* could, if required, be communicated and examined by the Board, or any of its members, and where such communication could be given and the examination take place?

12.—Are you not also in possession of the *censiers* of each of the said *Fiefs* or *arrière fiefs*; if yea, could the same, if required, be communicated and examined by the Board, or any of its members?

13.—Are you in possession of the oldest grants and concessions made by the late Order of Jesuits when in possession of the estates in question, and also of the several grants and concessions made by that Order while administering the said estates, down to the latest period of their political existence; or are you possessed of a large number of such grants or concessions; if yea, will you be pleased to furnish the Board with a copy of five of the oldest grants you have for each *Fief*, five of such grants as have been made two years after, and five of each of the grants made every ten years, during the period of their administration?

14.—If you are not in possession of such grants or concessions, will you inform the Board who is, to your knowledge?

15.—If the said several grants or concessions be in the possession of any of the agents to the said estates, will you give immediate directions to such agent to make out copies of the several grants required from you, as stated in the preceding questions, with orders to certify the same and to transmit them to the Secretary of this Board?

16.—From the perusal of such grants or concessions of and belonging to the said estates in your possession, have you ever noticed, or were you ever informed, that there are any and what difference in the *quantum of cens et rentes* stipulated in the said several grants; or are there any and what difference in the several other charges and burthens stipulated and entered in such grants or concessions; if yea, be pleased to state fully, for the information of the Board, in what particular the difference consists, and whether such grants vary generally, the one from the other, and the terms or periods when such grants or concessions which so vary, were made, passed or executed?

17.—How many *Fiefs* and *arrière fiefs* are there in Eastern Canada of and belonging to the said estates; will you be pleased to state the names of each, where situate, in what County and District, the extent of each in front and depth, the names of the proprietor of each neighbour, how many concessions, there are in each, the extent of each concession, how many concessions are conceded and in a state of cultivation, how many concessions granted but not settled or cultivated, and what extent of the Seigniority is held ungranted and in wood lands, and the value of such wood lands in each Seigniority still ungranted, and the nature of the soil and value thereof, in so far as you know it from your own personal knowledge? And with a view to assist and facilitate you in answering this lengthy and important question, a Schedule is herewith annexed ready prepared for you to fill up.

18.—How many Seigniorial mills (*moulins bannaux*) are there in each of the said *Fiefs* or *arrière fiefs*; will you also be pleased to state the true and exact value of each mill, as also to state the probable amount of the annual rent or *droit de mouture* of each separate mill, for the last ten years? For this answer the Schedule mentioned and referred to in the preceding question will assist you.

19.—Can you also furnish this Board with a separate statement, for each Seigniority, of the annual average amount of *lods et ventes* received during the last ten years; if yea, be pleased to do so in the column intended for that purpose in said Schedule.

20.—Can you also furnish this Board with a separate statement for each *Fief* or *arrière fief* of the annual average amount of *cens et rentes* received during ten years; and in the same statement please state what amount of arrears

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remains due for the like period ; if yea, be pleased to do so in the columns intended for the purpose in the same Schedule.

21.—Can you also inform the Board whether any and what cases of *retrait conventionnel* were made or exercised by you in any of the said *Fiefs* and *arrière fiefs* during the last ten years ; if any were made, please state how many each year, the nature and extent of the immoveable property so redeemed by such *retrait*, whether with or without buildings of any kind, and the value of such buildings, and also the value of such immoveable property, and the sum paid or to be paid for such *retrait conventionnel* ; if yea, the Schedule before referred to contains a column for the purpose, which you will please fill up ?

22.—Has the tenure of any of the *Fiefs* or *arrière fiefs* belonging to the said estates now in possession of the Crown and holden by you as Commissioner, been changed or commuted into any other and what tenure ?

23.—Are there any, and, if yea, how many *Censitaires* holding lands in all or any of the *Fiefs* or *arrière fiefs* belonging to the said estates, who have ever applied to you as such Commissioner, or to any of the agents of the said estates to your knowledge, or directly to the Crown, to obtain a commutation of tenure in free and common socage, or into any other tenure ; if yea, please inform the Board how many applications were made, by whom, when, and whether their request was or were not granted ; and if not granted, state the reasons why, and fill the several columns intended for the purpose.

24.—Have you any, and what knowledge, that any and how many applications were made to you as Commissioner, or to any of the agents of the estate, or directly to the Crown, to obtain one or more grants of land in either of the said *Fiefs* or *arrière fiefs*, and in which of them, in free and common socage, or in any other tenure than the usual grant *en censive* ; and, if yea, state how many, when, by whom, for what extent of land, whether wood land or improved land, and under what tenure and conditions ? If such applications were ever made and refused, state the reasons why ?

25.—Have any, and how many inhabitants applied to you at any time, and when, or to any of the agents to the estates, to your knowledge, or directly to the Crown, to obtain grants of concession of wood lands (*terres à bois*) *en roture*, upon the terms and conditions used and current

previously and up to the year one thousand seven hundred and eleven, and have such applications been granted ; if not, state the reason why ?

26.— Can you, from any old grants or concessions in your possession as Commissioner, or in the possession of any of the agents of the said estates, or from any *aveu et dénombrement* or from any old *papier terrier*, or from any old *censive* of the *Fiefs* or *arrière fiefs*, state for the information of the Board, the *quantum* of the *cens et rentes* and other charges and burthens affixed to such grants at that early period of the settlement of this country ; and if you can afford any information on the subject, will you be pleased to do so fully here ?

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 29TH APRIL, 1842.

SIR,—I am directed by the Board of Commissioners appointed to inquire into the Seigniorial Tenure in Canada, to submit to you the enclosed interrogatories, and to pray that at your earliest convenience you will afford them the information sought, by entering the requisite answers in the Schedule herewith forwarded.

From your long experience, and the able manner in which the Jesuits' Estates have been managed under your superintendance, the Commissioners feel confident they will obtain valuable information from you on the important subject entrusted to their consideration.

As the period allowed them to report is very limited, the Commissioners pray that you will have the goodness to reply to their interrogatories, if possible, on or before the first day of June next, and that the answers given may be as full and minute as circumstances will permit.

I have the honor to be, Sir,

&c. &c. &c.

(Signed,)

G. VANFELSON,  
Chief Commissioner.

To the HONBLE. JOHN STEWART,  
Commissioner of the Jesuits' Estates, &c. &c., Quebec.

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II.  
Forms of Schedules.

1. Name of Seigniorie or <i>arrière fief</i> , and in what District situate.	2 Date of original Grant.	3. By whom granted.	4. To whom granted.	5. State the extent of the Seigniorie or <i>Fief</i> , its dimensions, contents in square arpents, and its <i>tenants et aboutissants</i> , fully.	6. State the terms, charges and conditions set forth in the original grant.	7. Name of present Holder or Proprietor.	8. Profession.	9. Residence.	10. If absent, the name and residence of Agent.	11. Present number of concessions.
12. Their extent in square arpents.	13. Number of <i>Censitaires</i> .	14. State what are the present rates, charges and conditions at which concessions are now made.	15. If these rates, &c., be different from those of the original grants or concessions, state when such changes were made, and the nature thereof.	16. Number of concessions at present under cultivation, and square arpents therein.	17. Number of concessions not under cultivation, and square arpents therein.	18. Probable quantity of unconceded lands.	19. Their quality, value and nature of soil.	20. Annual average amount of <i>lods et ventes</i> received during the last ten years.		

Forms of Schedules.—(Continued.)

21. What amount of <i>lods et rentes</i> now due.	22. Annual average amount of <i>cens et rentes</i> received during the last ten years.	23. What amount of arrears of <i>cens et rentes</i> now due.	24. Annual average value of other sources of revenue, if any for the last ten years, and state the nature of resources.	25. Number of Mills, ( <i>moulin</i> <i>banaux</i> .)	26. Their value.	27. Annual average value of the <i>moitures</i> for the last ten years.	28. State the number of times each year for the last ten years the <i>droit de retrait convention</i> and of buildings, and sum paid <i>retel</i> has been exercised, on such redemption.	29. State the value and extent of the property redeemed, whether built on or not, the value of land, and of buildings, and sum paid <i>Crown</i> , if any.	30. Give the names of the Seigniors who have commuted with the <i>Crown</i> , if any.
31. Describe the nature and terms of such commutation, and the Seignior or <i>Fief</i> commuted.	32. Have any <i>Censitaires</i> applied for commutation; to whom; how many; and when?	33. If granted, state when, if not, why?	34. Have any inhabitants applied to their Seigniors for concessions of wood-lands, upon the terms and conditions used and current previous and up to the year 1711.	35. If such applications have been granted, say when, and name of the Notary that passed the deed. If not, state why?	36. Can you, from any titles or other documents, state what were the <i>cens et rentes</i> , and other charges and burthens affixed to grants and concessions previous and up to the year 1711.				

## Commission of Inquiry on the Seigniorial Tenure.

Questions submitted to Antoine Archange Parent, Esquire, Notary, Agent to the Seignior of Lauzon, in the District of Quebec.

- 1.—How long have you been Agent to the said Seignior?
- 2.—Are you in possession of the original grant or grants of the *Fief* or *Seigneurie* of Lauzon, or of any *arrière fief* lying within the said *Fief*; if yea, will you be pleased to furnish the Board with a certified copy of such grant or grants, under your own signature?
- 3.—If you are not in possession of such grant or concessions, can you inform the Board who is?
- 4.—Are you not also in possession of the acts of fealty and homage (*foi et hommage*) which were rendered either by Sir John Caldwell, the late possessor of the said *Fief* or Seignior, or by his late Father the Honorable Henry Caldwell, when possessed and holding the same, or by any of the *auteurs* of the late Henry Caldwell; if yea, be pleased to furnish the Board with a copy of the latest fealty and homage (*foi et hommage*) made for the said *Fief* or Seignior, or by them received for any *arrière fief* within the said *Fief* Lauzon, to be certified under your own signature?
- 5.—If you are not in possession of the said acts of fealty and homage (*foi et hommage*) for the said *Fief*, or for such *arrière fief* therein, can you inform the Board who is in possession of them?
- 6.—Are you not likewise in possession of certain land rolls (*aveux et dénombremens*) made by the said Sir John Caldwell, the late Henry Caldwell, or their *auteurs*, while possessed of the said *Fief*; and if yea, will you be pleased to furnish the Board with a copy of the last *aveu et dénombrement* you have touching the said *Fief* or Seignior, and certify the same under your own signature?
- 7.—If you are not in possession of such *aveu et dénombrement*, can you inform the Board who is in possession thereof?
- 8.—Are you also in possession of any *papier terrier* made out and kept for the said *Fief* Lauzon; if yea, state whether such *papier terrier* could, if required, be communicated and examined by the members of the Board, or by any of them, and where could such examinations be had and taken?
- 9.—Are you not also in possession of the *censier* of the said *Fief* or Seignior; if yea, could the same, if required, be communicated and examined by the members of the Board, or to any of them?
- 10.—Are you in possession of the oldest grants or concessions made by the ancient Seigniors or original Grantor of the said *Fief* or Seignior; if you are not in possession of the whole of the said grants or concessions, are you not possessed of a large number of them; if yea, will you be pleased to furnish the Board with a copy of five of the oldest grants you have in your possession, five of any grants made about ten years after, and also five of every grant made, from ten years to ten years, down to the very latest grants, and certify the same under your signature?
- 11.—If you are not in possession of such grants or concessions, will you inform the Board who is, if you happen to know it?
- 12.—From a perusal of such grants or concessions, have you ever noticed that there is any and what difference between the *quantum* of *cens et rentes* stipulated in the old and that stipulated in the latest grants of said Seignior; if yea, please state fully, for the information of the Board, in what particulars such grants vary, the one from the other, and the terms or periods when such grants or concessions which so vary were made, passed or executed?
- 13.—How many Parishes are comprised in the *Fief* and Seignior of Lauzon, and how many concessions or ranges

of land are there in each parish of the said *Fief*; please state the number of concessions, the extent of each concession, how many of these concessions are granted and in a state of cultivation, how many concessions granted but not under cultivation or settled, and in wood land, (*bois de bout*) and what extent or part of the said *Fief* or Seignior is still granted and wood lands (*terres à bois*); also the nature of the soil in so far as you know it from your own personal observation? And with a view to assist and facilitate you in answering this highly important question, a Schedule is herewith handed you ready prepared for you to fill up.

14.—Have not new Titles (*titres-nouveaux*) been lately made or consented to by the *Censitaires* of the said *Fief* Lauzon, or a large portion of them, in favor of the Seignior Sir John Caldwell; and are you not in possession of the whole of the said new Titles (*titres-nouveaux*) or the major part of them?

15.—If you are not in possession of the whole or part of them, who is?

16.—If you neither have the new Titles (*titres-nouveaux*) nor know who is in possession of the several Notarial copies (*Expéditions*) of them, pray can you inform the Board who is the Notary who made and executed the said new Titles (*titres-nouveaux*) or the greatest part of them?

17.—Did not Félix Tetu, Esquire, a Notary, residing in the District of Quebec, make and execute the whole or a large portion of the said new Titles (*titres-nouveaux*)?

18.—Have you ever compared any of the original grants or concessions with any of the new Titles (*titres-nouveaux*) of the same identical lands; and will you state for the information of the Board whether you observed any and what difference, and state fully in what particulars this difference consists?

19.—If you have not compared any of the original grants with the new Titles (*titres-nouveaux*) of the said identical land, will you be pleased to compare a few at your earliest leisure, taking them indifferently from the mass of the original grants which you have in your possession, and will you be so kind to point out to the Board if you find any difference, and if so, please state in every particular case the difference you find between the two, in as many cases as they may happen to differ the one from the other?

20.—How many Seigniorial mills (*moulins banaux*) are there within the limits of the said Seignior or *Fief*, or in the *arrière fief*, if any in such *Fief*?

21.—Will you also be pleased to state the true and exact value of every mill; also state the annual average value of the rent or *droit de mouture* of each separate mill for the last ten years? For this answer, the Schedule mentioned and referred to in the preceding questions will assist you.

22.—Can you furnish the Board with a statement for the like period of the annual average amount of the *lods et ventes* accrued or paid by the *Censitaires*; if yea, be pleased to do so in the column intended for that purpose in said Schedule?

23.—Can you also furnish the Board with a statement of the annual average amount of the *cens et rentes* received from the *Censitaires* of the said *Fief* for the last ten years; and in the same statement, please state what amount of arrears remain due for the like period; if yea, do so in the column intended for the purpose in the same Schedule.

24.—Can you inform the Board whether any, and what cases of *retrait conventionnel* were made or exercised by you as Agent since you have administered the said *Fief*, or by Sir John Caldwell, the owner of said *Fief*, for the last ten years; if any were made, please state how many each year, the nature and extent of the immoveable property so redeemed by such *retrait*, whether with or without buildings, of any kind, and the value of such buildings, and also the value of the property including the value of the buildings, and lastly, the sum or price paid or to be paid for the exercise of such *retrait*? If yea, the Schedule before referred to, contains a column for the purpose, which you will please fill up.

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25.—Are there any, and if yea, how many *Censitaires* holding lands *en roture* in the said *Fief*, or *arrière fief* within the same, who have ever applied, to your knowledge, to Sir John Caldwell, the owner of the said estate, or to the Crown for whom you administer the said *Fief*, to obtain a commutation of tenure in free and common soccage, or into any other tenure; if yea, please inform the Board how many applications were made, by whom, when and whether their request was or was not granted; and if not granted, state the reasons why? And in so doing be pleased to fill the several columns in the Schedule intended for the purpose.

26.—Have you any and what knowledge of any and how many applications were made to you, since you have administered the said *Fief*, or to Sir John Caldwell before that time, or to the Crown of late years, to obtain a grant or grants of one or more lands in the said *Fief* Lauzon in free and common soccage, or into any other and what tenure than a grant *en censive*; and if yea, state how many, when, by whom, for what extent of land, whether wood land, or improved and cultivated lands, and under what tenure and conditions; if such applications were made and refused, state the reasons why?

27.—Have any and how many inhabitants applied to you at any time to obtain one or more grants or concessions of wood lands (*terres à bois*) *en roture*, upon the terms and conditions used and current previously and up to the year one thousand seven hundred and eleven; and have such applications been granted; if not, state the reasons why?

28.—Can you, from any old grants or concessions in your possession belonging to the said *Fief* Lauzon, or from any *aveu et dénombrement*, or from any old *papier-terrier*, or from any old *censier* of the said *Fief*, state for the information of the Board the *quantum* of the *cens et rentes* and other charges and burthens affixed to such grants at that early period of the settlement of this country; and if you can afford any information on the subject, will you be pleased to do so fully here?

*Letter accompanying the preceding Questions.*

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 29TH APRIL, 1842.

Sir.—Well versed in the all matters connected with the Seigniorial tenure in this country, and in charge of the extensive Seignior of Lauzon, I am directed by the Board of Commissioners to request your attention to the enclosed series of Interrogatories, praying your answers thereto as soon as you can make it convenient.

The information sought of you is of great importance to the question at issue, and the Commissioners pray you will make your answers as full and comprehensive as possible; and as the period allotted to the consideration of this weighty matter is limited to a few months, the Commissioners request me to state that your answer, on or before the 1st day of June next, will greatly oblige.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed,)

ANTOINE A. PARENT, Esq. Notary, &c. &c.  
Agent to the *Fief* Lauzon, Quebec.

J.

PROVINCE OF CANADA, }  
MONTREAL. }

Commission of Inquiry on the Seigniorial Tenure.

A series of Questions to be submitted to the several Seigniors holding *Fiefs* or Seigniories in the Province of Canada.

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1.—Are you not the owner or proprietor of the *Fief* or Seignior of \_\_\_\_\_, situate and lying in the District of \_\_\_\_\_?

2.—How long have you been in possession of the said *Fief* or Seignior?

3.—Who was the proprietor of the said *Fief* or Seignior before you; and how long did he hold the same, if you know it?

4.—Are you in possession of the original grant of the said *Fief* or Seignior; or of any *arrière-fief* lying within the said *Fief*; if yea, will you be pleased to furnish the Board with a certified copy of such grants, under your own signature?

5.—If you are not in possession of such grants, can you inform the Board who is?

6.—Are you in possession of the acts of fealty and homage (*foi et hommage*) which have been rendered either by yourself or by the Seignior who held the said *Fief* or Seignior before you, or by any of your *auteurs* or predecessors, who enjoyed and held the said *Fief* or Seignior as owner; if yea, will you be pleased to furnish the Board with a copy of the latest fealty and homage (*foi et hommage*) made for the said *Fief* or Seignior, and certify the same under your signature; if you are not in possession of the said act of fealty and homage (*foi et hommage*) for the said *Fief* or Seignior, can you inform the Board who is?

7.—Are you not in possession of certain Land Rolls (*aveu et dénombremens*) made either by yourself or by your *auteurs* and predecessors, while in the possession and enjoyment of the said *Fief* or Seignior; if yea, will you be pleased to furnish the Board, under your signature, with a copy of the last *aveu et dénombrement* you have of the said *Fief* or Seignior?

8.—If you are not in possession of such *aveu et dénombrement*, can you inform the Board who is?

9.—Are you also in possession of any *papier terrier*, made out and kept for the said *Fief* or Seignior; if yea, state whether such *papier-terrier* could, if required, be communicated to and examined by the Members of the Board, or by any of them, and where such examination could be had?

10.—Are you also in possession of any *censier* of the said *Fief* or Seignior; if yea, could the same, if required, be communicated to the Members of the Board, or to any of them?

11.—Are you in possession of the oldest grants or concessions made by the ancient Seigniors, or original grantees of the said *Fief* or Seignior; if you are not in possession of the whole of the said grants or concessions, are you not possessed of a large portion thereof; if yea, will you be pleased to furnish the Board with a copy, under your own signature, of two of the oldest grants you have in your possession, two of any grants made about ten years after, and also two of any grants from ten years to ten years, down to the very latest grants, and certify the same under your signature?

12.—If you are not in possession of such grants or concessions, will you inform the Board who is?

13.—From a perusal of such grants or concessions, have you noticed that there is any and what difference in the *quantum* of *cens et rentes* or other burthens and charges stipulated in the old, from those stipulated in the latest grants; if yea, please state fully for the information of the Board, in what particulars such grants vary the one from the other, and the times or periods when such variations were made?

14.—How many concessions or ranges are there in the said *Fief* or Seignior, please state the number of concessions, the extent of each, how many of these concessions are granted and in a state of cultivation, how many concessions granted but not settled nor under cultivation (*bois debout*), and what extent or part of the said *Fief* or



Seigniorly still remains ungranted and wood-lands (*terres en bois debout*); also, the nature of the soil of such wood-lands, (*terres en bois debout*) in so far as you can state it from your own personal observation? With a view to assist and facilitate you in answering this highly important question, a Schedule is herewith handed you, to be filled up in addition to your answers to these interrogatories.

15.—Have not new Titles (*titres-nouveaux*) been lately made and consented to by the *Censitaires* of the said *Fief* or Seigniorly, or by the major part or any of them, in your favour, or in favour of your *auteurs* or predecessors; and if yea, are you not in possession of the whole of the said new Titles (*titres nouveaux*) or of the major part of them, or any one of them?

16.—If you are not in possession of the whole, or of the major part of them, or of any one of them, can you inform the Board who is?

17.—If you neither have the said new Titles (*titres-nouveaux*), nor know who is in possession of the several notarial copies (*Expéditions*) of them, pray can you inform the Board who is the Notary who made and executed the said new Titles (*titres-nouveaux*) or the major part of them, or any of them, and state for the information of the Board, who this Notary is?

18.—Have you ever compared any of the original grants or concessions with any of the new Titles (*titres-nouveaux*) of the same identical lands, or have any persons done so for you and by your orders; and if yea, will you be pleased to state for the information of the Board, whether you or they observed any and what difference; and be so kind as to state fully, for the information of the Board, in what particular this difference consisted?

19.—If you have not compared any of the original grants with the new Titles (*titres-nouveaux*) of the same identical lands, have you any objection to compare a few, at your earliest convenience, taking them indifferently from the mass of original grants which you have in your possession; and will you further be pleased to point out to the Board, if you find any difference, in what that difference consists, in each particular case in which you detect the same?

20.—How many Seigniorial mills (*moulins banaux*) are there in the said *Fief* or Seigniorly?

21.—Will you also be pleased to state the true and exact value of every such mill, and also the probable annual average value of rent, toll, or *droit de mouture*, for the last ten years? For this answer, the Schedule mentioned and referred to in the preceding questions will assist you.

22.—Have you any objection to furnish the Board with a statement of the annual average amount of *lods et ventes* received during the last ten years; if not, be so kind as to do so in the column intended for that purpose in the same Schedule?

23.—Have you any objection to furnish the Board with a statement of the annual average amount of *cens et rentes* received from the *Censitaires* of the said *Fief* or Seigniorly for the last ten years, and what amount of arrears remains due for the same period; if not, please use the columns intended for the purpose in the said Schedule?

24.—Can you also inform the Board how many cases of *retrait conventionnel* occurred, or were exercised by you or by your *auteurs* or predecessors, for the last ten years; if any, please state how many each year, the nature and extent of the immoveable property so redeemed, whether with or without buildings, and the value of such buildings, and also the value of the property including the value of such buildings, and lastly, the sum or price paid or to be paid in the exercise of such *retrait*; if yea, the Schedule before referred to, contains a column for the purpose, which you will please fill up?

25.—Are there any, and if any, how many *Censitaires* holding lands *en roture* in the said *Fief* or Seigniorly who have ever applied to you, or to your *auteurs* or predecessors, to obtain a commutation of tenure into free and common

socage, or into any other tenure; if yea, please inform the Board how many applications were made, by whom, and when, and whether their request was or was not granted; and if not granted, please state the reasons why? And in so doing fill the several columns, in the said Schedule, intended for the purpose.

26.—Have any applications ever been made to you or to your *auteurs* and predecessors, to obtain from you or them, a grant or grants of one or more lands in the said *Fief* or Seigniorly under the free and common socage tenure, or under any other tenure, than *en roture*; if yea, state how many applications were so made, by whom, when, for what extent of land, whether wood, or improved and cultivated lands, and under what tenure and conditions; and if such applications were made and refused, state the reason for such refusal?

27.—Have any and how many inhabitants ever applied to you or your *auteurs* and predecessors, to your knowledge, at any time to obtain one or more grants or concessions of wood lands (*terres en bois debout*) *en roture*, upon the terms and conditions current previous and up to the year one thousand seven hundred and eleven; and have such applications been granted; if not, state, if you please, why?

28.—Can you, from any old grants or concessions in your possession belonging to the said *Fief* or Seigniorly, or from any *aveu et dénombrement*, or from any *papier terrier*, or from any old *censier* in your possession, of the said *Fief* or Seigniorly, state, for the information of the Board, the *quantum of cens et rentes* and other charges and burthens affixed to such grants at that early period of the settlement of this country; and if you can afford such information on this important inquiry, will you be pleased to state it fully for the information of the Board?

29.—Have you any, and what knowledge, that since the year 1763, any actions have been instituted by and on behalf of the Crown, against the proprietor or actual holder of any *Fief* or *Seigneurie*, to re-unite the same to the Royal Domain, owing to the proprietor or holder of such *Fief* having neglected to settle himself, or cause the said *Fief* to be settled by *Censitaires*, in execution and furtherance of the conditions of settlement stipulated in and by the original grant of such *Fief*, or because such Seignior had refused to grant or concede wood lands in such *Fief*, to the inhabitants on application for such wood lands, and who were desirous to obtain a Location Ticket (*Billet de Concession*); if you have any such knowledge, will you be pleased to state who were the parties to such action, when instituted, in what Court and District, the cause of the action, and nature of the judgment, if any rendered, in such case or cases?

30.—Have you since you have owned the said *Fief* or Seigniorly, or have your *auteurs* or predecessors, to your knowledge, sued or prosecuted any of the *Censitaires* of the said *Fief* for not settling or cultivating the wood lands, (*terres en bois debout*) conceded to such *Censitaires*, after the period allowed them by the title of concession so to do; and if so, will you please state the names of the parties, when the actions were brought, the nature of the actions, whether *en ré-union au Domaine*, or otherwise, and the judgment rendered, if any, and by what Court, and in what District?

31.—Have you, or any of your *auteurs* or predecessors, to your knowledge, ever instituted any actions against any *Censitaires*, to enforce the right of banality (*droit de banalité*) against them; if yea, will you be pleased to state, for the information of the Board, whether the actions so brought, were founded solely upon the "*Arrêt du Conseil d'Etat du 4e Juin, 1686, au sujet des moulins banaux*," or were such actions simply founded on the conventions or stipulations to that effect contained in the title of concession or grant made to such *Censitaire*, or his *auteurs* or predecessors; if such actions have been instituted, please state upon what founded, the names of the parties, when and where instituted, when judgment was rendered, and in whose favor?

32.—Have any *Censitaires* ever instituted any and what actions against yourself, or against any of your *auteurs* or predecessors, to your knowledge, to compel you or them to

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build or repair any banal mill (*moulin banal*) in your said *Fief* or Seignior; if yea, will you state the names of the parties, the nature of the action, when and where instituted, the nature of the judgments, and by what Court rendered?

33.—Have any inhabitants ever instituted any action or actions against you, or against any of your *auteurs* or predecessors, to your knowledge, on refusal to grant and concede to them wood lands (*terres en bois debout*) in the said *Fief*, to compel you or them to make such grants, and to pass the usual and ordinary title or deed; if yea, be pleased to state the names of the parties, the nature of the actions, when, and where instituted, the nature of the judgments, and by what Court rendered?

34.—In granting and conceding the wood lands (*terres en bois debout*) of the said *Fief* or Seignior, have you followed the rules laid down to the owners or Seigniors of *Fiefs* or Seigniories in this Province, and fully enumerated in the *Arrêt du Conseil d'Etat* of His Most Christian Majesty, of the 6th July, 1711; if nay, state fully and at large, if you please, the reasons why you have so deviated from such *Arrêt*?

35.—Have you ever refused to grant or concede to the inhabitants, if any applied to you, or have your *auteurs* and predecessors, to your knowledge, ever refused to grant or concede such wood lands (*terres en bois debout*) to such of the said inhabitants, when applied so to do; or to concede such wood lands in the said *Fief* or Seignior on the terms and conditions of the *Arrêt, à titre de redevances, du Conseil d'Etat du 15 Mars, 1732*, only, without exacting any sum of money from such applicants, in consideration of the said grant or concession; if yea, state the reason why, and what cause you can assign, for having refused to comply with the injunctions of the said *Arrêt*?

36.—Have you any knowledge of any actions having been brought by any inhabitant or inhabitants against any owner or Seignior of any *Fief* or Seignior in the Province, to compel such owner or Seignior, to grant or concede to such inhabitants, such wood lands as were by them asked for in the said *Fiefs* or Seigniories, upon the same terms and conditions as those imposed on the lands already conceded in such *Fiefs* or Seigniories (*aux mêmes droits imposés sur les autres terres concédées dans les dites Seigneuries*); if yea, state the names of the parties, the nature of the action, when instituted, in what Court, when adjudicated upon, and the nature of the judgment?

37.—Have you, or have your *auteurs* or predecessors, to your knowledge, ever refused to grant or concede wood lands in the *Fief* or Seignior you own, on the terms and conditions stated in the preceding interrogatory; if yea, please state your reasons, or those of your *auteurs* or predecessors, if you know them, for deviating from the Royal commands, contained in the *Arrêt* of 1711?

38.—Have you ever, or have your *auteurs* or predecessors holders of the said *Fiefs*, to your knowledge, deviated from the Royal commands and injunctions given to and imposed upon Seigniors or holders of *Fiefs* or Seigniories in the Province, by the *Arrêt du Conseil d'Etat* of His Most Christian Majesty, of the 15th March, 1732, enjoining Seigniors and other holders of wood lands (*terre en bois debout*) to grant or concede them, *à titre de redevances*, and by no means to sell them; if yea, will you be pleased to state the reasons which could justify such a course having been pursued?

39.—Have you ever considered and matured any scheme or devised any plan, to effect voluntary commutation of the Seigniorial tenure in this Province, or have any other Seigniors and holders of *Fiefs* in the Province ever done so to your personal knowledge, or have you ever consulted or conferred with any of them on the subject, and have you, upon such consultation or conference, come to any and what understanding or conclusion; if yea, have you any objection to inform the Board what such scheme or plan is or was; and further, would you be pleased to furnish the Board with a copy, under your certificate, of such scheme or plan, if the same was ever reduced to writing, and is in your possession?

40.—Has there ever been any public or other meeting or meetings of the Seigniors and holders of *Fiefs* in this Province, or of the Seigniors of *Fiefs* in the District of Montreal, or of a portion of such Seigniors, or of Seigniors in other Districts, for the purpose of taking into consideration the question mooted and at stake between the *Censitaires* of lands *en roture*, and the Seigniors of *Fiefs*, in relation to the commutation of the Seigniorial tenure, or in relation to any other matter or thing connected with the Seigniorial tenure, or in reference to complaints made by *Censitaires* against their Seigniors, or in reference to the whole or any part of the mutation fines (*lods et ventes*), the *quantum* of *cens et rentes*, the several reservations made by Seigniors in conceding woodlands, or in any other particular connected with the Seigniorial tenure; if yea, will you be pleased to inform the Board, when such meeting or meetings was or were held, whether the proceedings or measures adopted at such meetings were reduced to writing; if you have such proceedings in your possession, will you furnish the Board with a copy of such proceedings, under your signature; if you have not the proceedings in your possession, can you inform the Board who has, and can you and will you be pleased to obtain a copy, certified by the holder of them, and forward the same to the Secretary of this Board?

41.—Have you ever seen and read, or do you possess a copy of the Bill, intitled, "An Act to provide for the voluntary commutation of the Seigniorial tenure in the Seigniories of Lower Canada," lately introduced in the Legislative Assembly of Canada; if yea, have you reflected and maturely considered (as a party deeply interested) the principles and rules therein laid down, as a proper basis upon which a voluntary commutation of tenure could take place; and if you have maturely reflected and deliberated on this momentous subject, will you please state for the information of the Board, whether you concur in opinion with the honorable mover of that measure, and whether if such Bill were to pass into a law, you would be of opinion that justice has been done therein as well to the Seignior as to the *Censitaire*; if you answer, nay, please in the latter case, to state fully for the information of the Board, your reasons of dissent?

42.—If you consider that the subject of matter at stake between the Seigniors on the one hand, and the *Censitaires* on the other, has not been taken up, by the provisions of that Bill, in a thorough and impartial manner, so as to afford justice to both of the two great parties concerned, would you have any objection, and, if not, will you be pleased to furnish the Board with your opinions in writing, and your observations on the subject?

43.—In case you have not seen the said Bill, the Board hand you, with this series of Questions, a copy thereof, with an earnest request on their part that you will be pleased to read and examine the same, so as to enable you to answer fully the several preceding interrogatories which have immediate relation to the voluntary commutation of tenure.

44.—Will you be pleased to favor the Board with a list of the several Seigniorial rights, charges and demands to which you are entitled, under and by virtue of the grant and titles of the Seignior or *Fief* owned by you?

45.—Will you be pleased to furnish the Board with your opinion as to the most equitable mode of establishing the value in money, of each of the said Seigniorial rights and demands, with a view to their redemption in money, should such a measure be recommended?

46.—What scale or rate would you propose as the basis for the calculation of the value in money, of the several Seigniorial rights which you are entitled to have and receive from the *Censitaires* of the Seignior or *Fief* owned by you?

47.—Should there be any matter relating to the important subject of the foregoing interrogatories, and omitted therein, which in your opinion would afford further information to the Board, will you be pleased to state the same, in as full and ample a manner as if you had been particularly requested so to do?

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Letter accompanying the preceding Questions.

(Circular.)

4th October.

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, ———, 1842.

SIR,—The Board of Commissioners in the discharge of the duties imposed upon them, have prepared a series of Questions, to be submitted to the Seigniors holding *Fiefs* within that part of Canada now known as Canada East, and by their directions, I have the honor of enclosing a copy to you, praying that at your earliest convenience you will be pleased to afford them the information therein sought.

The great importance of the question mooted, its bearing upon all the inhabitants of this section of the Province, and the benefits and improvements which are its object, induce the Commissioners to believe that you will willingly aid them in this momentous matter, by affording full, clear and ample information on the points referred to in the Interrogatories and *Schedule* enclosed.

As the labors of the Commission must be closed at an early period so as to submit its Report to the Executive Government previous to the next meeting of the Provincial Parliament, the Commissioners respectfully pray that you will be pleased to favor them with your answers as soon as may suit your convenience, so as to allow them as much time as possible to reduce and digest the whole, and give to the result all that serious deliberation which the importance of the question requires.

Under this view of the case, the Commissioners, deprecating the slightest intention of dictating to you on the subject, will nevertheless feel greatly obliged if your answers can be transmitted to them on or before the first day of July next.

I have the honor to be  
Your obedient servant,

To

PROVINCE OF CANADA, }  
MONTREAL. }

✓ Commission of Inquiry on the Seigniorial Tenure.

A series of Questions to be submitted to certain *Censitaires* in the several *Fiefs* or Seigniories in the Province.

1.—Are you the owner or proprietor of any land, held *en roture*, in any *Fief* or Seigniorie within this Province; if yea, please state in what *Fief* or Seigniorie?

2.—How long have you been in possession of the said land?

3.—Who was the Proprietor of the said land before you; and how long did he possess the same, if you know it?

4.—Are you in possession of the original deed of concession of the said land, or of a copy thereof; if yea, will you be please to furnish the Board with a certified copy of such deed of concession?

5.—If you are not in possession of such deed of concession, or of a copy thereof, can you inform the Board who is?

6.—Are you in possession of any *titre-nouvel* made and executed by yourself, or by any other person holding the said land before you, for and touching the same; if yea, will you be pleased to furnish the Board with a copy of such *titre-nouvel*?

7.—If you are not in possession of such *titre-nouvel*, will you inform the Board who is?

8.—From the perusal of such deed of concession and *titre-nouvel*, have you noticed that there are any and what differences between the *quantum* of *cens et rentes seigneuriales*, or other charges and burthens, stipulated in the said concession, and those stipulated in the said *titre-nouvel*; if yea, please state fully for the information of the Board, in what particular they vary the one from the other?

9.—What is the extent of your land in front and depth, and in what range or concession is it situate?

10.—Have not *titres-nouveaux* lately, and when, been made and executed by the *Habitans* or *Censitaires* of the said *Fief*; if yea, can you inform the Board whether the whole or the major part of the said *Habitans* or *Censitaires* acceded thereto, and who was the Notary employed in that service?

11.—Did you, or did any other *Censitaire* to your knowledge, at the time of passing such *titre-nouvel*, complain of, or object to, any of the charges or burthens imposed upon the said land, or to any of the reservations made by the Seignior, or to any of the obligations imposed upon you or such other *Censitaire* in relation to such lands; if yea, will you state the nature of such complaints or objections?

12.—If, at the time of the execution of such *titres-nouveaux*, any complaints or objections were made, will you inform the Board whether such complaints were general on the part of the *Habitans* or *Censitaires*, or the major part of them, or only a few of them?

13.—How many Seigniorial mills (*moulins banaux*) are there in the said *Fief*?

14.—Are the said mills used exclusively by the *Habitans* or *Censitaires* of the said *Fief* for grinding the grain which they are bound to cause to be ground at the said banal mills.

15.—Were the said mills originally built as banal mills (*moulins banaux*) for the sole use of the *Censitaires*; or were such mills or any of them built and intended for grinding grain generally, as matter of interest or speculation on the part of the Seignior; if yea, please state how many mills, if there are more than one, in the said *Fief*, are exclusively used as banal mills by the *Censitaires*, and how many as general manufacturing mills, and also how many are used for such purposes.

16.—Will you state, for the information of the Board, the true and exact value of every such mill, distinguishing and keeping apart those mills used exclusively by the *Censitaires* as banal mills (*moulins banaux*), from those used as manufacturing mills, and also from those used for both purposes?

17.—Have you ever bought by private sale, or at Sheriff's sale, or by *Licitation*, any land, or any lot of land or *emplacement* in the said *Fief*, whereupon the Seignior has exercised his right of *retrait conventionnel*; if yea, will you inform the Board what was the real and true value of such land or *emplacement*, including the value of the buildings, if any thereon, and also state the value of the land or *emplacement* without such buildings, and at what price you had purchased them?

18.—Is, or is not, the right of redemption (*retrait conventionnel*) as exercised by Seigniors in this Province, considered one of a very onerous nature to the *Censitaires*?

19.—Has any Seignior, to your knowledge, renounced his right of redemption (*retrait conventionnel*) to and in favor of any purchaser or *adjudicataire*, in consideration of a bonus promised or paid him by such purchaser; if yea, will you please state the case or cases, and what was the amount of money promised or paid such Seignior over and above the *lods et ventes* he was entitled to, and the amount of the purchase money in such cases, and the true value of the property sold or adjudged?

20.—Is the exercise of the right of redemption (*retrait*) of rare or frequent occurrence in the said *Fief*?

21.—Do you consider the right of *lods et ventes* due to Seigniors on every sale, or act equivalent to a sale, one of a very onerous and burthensome nature to the *Censitaires*;

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is it to your knowledge, generally complained of; and are the *Habitans* or *Censitaires* desirous of relieving themselves from the payment of this right; and are you of opinion, that it is their wish to commute with their Seigniors in relation to that and other Seigniorial charges and burthens?

22.—Among the many changes and reservations made in favor of the Seignior in the original concession of your land, or in the *titre-nouvel* which may have been executed for the same, is there a clause, whereby the Seignior reserves for himself and his successors, all, or any part of the pine or oak timber growing on the said land?

23.—Is, or is not, such a reservation of a very onerous and burthensome nature; does it, or does it not impede the *Censitaire* in clearing his land and making the usual and requisite improvements in the way of cultivation; and is, or is not, this reservation and charge loudly and generally complained of?

24.—Have you, or have any *Censitaires* holding land *en roture*, in the said *Fief* or Seignior, ever applied to the Seignior, to obtain from him a commutation of tenure into the tenure of *franc alev roturier*, or into any other, and what tenure; if yea, please inform the Board how many applications were made, and by whom, if you know, and state further, whether these applications were granted or not, and if not, state the reasons why; and if granted, state upon what terms and conditions?

25.—If you, or the *Censitaires* of the said *Fief*, have not already applied to your Seignior for a commutation of tenure, would you have any objection to commute the Seigniorial tenure into that of *franc alev roturier*, or into any other, and what tenure; if you have no objection, say so, and state what tenure you would prefer, other than the Seigniorial tenure; but if you object to a change of tenure, please state to the Board your reasons of objection?

26.—Have you, or has any other *Habitant* to your knowledge, ever applied to your Seignior, or to the Seignior of any other *Fief*, to obtain from him land in free and comsocage, or under any other and what tenure; if yea, state the number of applications, for what extent of land, whether wild or improved land, and the tenure asked for; on what conditions, and whether such applications were granted or refused, and if refused, why?

27.—Do you, or do you not, consider the right of exacting *lods et ventes* on sales, or acts equivalent to sales, of lots or *emplacements*, lying and situate in cities, towns and populous villages, to be of a very onerous and burthensome nature, and much more objectionable than in the country generally; and does, or does not, the value of the buildings erected on such lots or *emplacements* generally amount to double that of the lot or *emplacement* when bare and without buildings?

28.—Is, or is not, the right of *lods et ventes* in such a case highly injurious to industry and commerce, and is it, or is it not, very generally complained of as a hindrance to public improvement?

29.—Can you suggest to the Board, any plan or scheme of commutation whereby the right of *lods et ventes* might be extinguished, as well as the right of redemption, that of *banalité*, and the reservations made by Seigniors of the pine and oak timber growing on lands held *en roture*; if yea, will you please state fully, for the information of the Board, what plan or scheme you would recommend to effect this desirable object.

30.—Has the Seignior of the *Fief* of which you are *Censitaire*, or have his *auteurs* or predecessors to your knowledge, ever conceded any wild lands (*en terres bois debout*) to any person whatsoever, on the usual and ordinary terms of the oldest concessions in the said *Fief* or Seignior, with a private understanding between the Seignior and the grantee, that such wild lands (*terres en bois debout*) should be afterwards sold in their wild state, and the price or consideration of such sale shared with the original grantee; if yea, will you please state for the information of the Board, in how many instances this has occurred, the names of the Seignior and grantee, in each case, and the consideration in money subsequently obtained by virtue of such sale or sales, and how and in what proportion shared?

31.—Have any actions ever been instituted by yourself, or by any of your *auteurs* or predecessors, or by others, to cancel and annul contracts, such as those mentioned in the preceding interrogatory, which has been entered into, either with the agent of such Seignior, or the person interposed by such Seignior, and to recover the price or sum so paid; if yea, be pleased to state for the information of the Board, the names of the parties to such suit or action, when brought, the nature of the action, in what District and in what Court instituted, the date of the judgment, if any rendered, and in whose favour?

32.—Have any and how many inhabitants, to your knowledge, ever applied to your Seignior or to any other Seignior, to obtain grants or concessions *en roture* of wild lands (*terres en bois debout*), upon the terms and conditions usual and current previous and up to the year one thousand seven hundred and eleven; if yea, have such applications been granted; if nay, state the reasons why, if you know them?

33.—Can you from any original grant or from any old title in your possession, state with certainty, the *quantum* of *cens et rentes*, and other charges and burthens which were affixed to the concession of wild lands (*terres en bois debout*) at that early period of the settlement of the country; if yea, please state such rates and charges fully, for the information of the Board.

34.—Has your Seignior or his *auteurs* or predecessors, ever sued you or your *auteurs* or predecessors, to your knowledge, for not settling upon (*tenir feu et lieu*), or clearing and cultivating within the time limited in the deed of concession of your land, the wild land (*terres en bois debout*) so conceded to you or to your *auteurs* and predecessors; if yea, will you please state the names of the parties, when the action was brought, the nature of such action, whether *en réunion au domaine*, or otherwise, and the judgment rendered, if any, in whose favor, when, and by what Court and in what District?

35.—Have you or have your *auteurs* or predecessors, or any other inhabitant, to your knowledge, ever instituted any action or actions against any Seignior, on refusal by such Seignior to grant or concede them, *en roture*, wild lands (*terres en bois debout*), to compel such Seignior to make such grant, and to execute the usual and ordinary deed or title; if yea, be pleased to state the names of the parties, the nature of the actions, when and where instituted, the judgment rendered, and in whose favour?

36.—Do you know of any action having been instituted by any inhabitant against a Seignior, to compel such Seignior to concede any wild lands (*terres en bois debout*) upon the same terms and conditions as those imposed on the wild land (*terres en bois debout*) already conceded in his Seignior (*aux mêmes droits imposés sur les autres terres concédées dans le dite Seigneurie*); if yea, state the names of the parties, the nature of the actions, when instituted, in what Court, the date and nature of the judgment, and in whose favour?

37.—If you know not of any such actions, do you know any Seignior who has refused, on application made to him, to concede wild lands (*terres en bois debout*) in his *Fief* or Seignior, on the terms and conditions stated in the preceding question; if yea, state the names of the applicants, and the names of the Seignior who so refused, and when such refusal occurred?

38.—Have the *Censitaires* of any *Fief* or Seignior in the Province, to your knowledge, ever complained to the constituted authorities in the country, of the Seigniorial tenure generally, or of any of its burthens in particular, and of which; if yea, will you state what was the nature of such complaints, whether they were made at different periods, and generally throughout the Province, or only in certain sections, and if so, state in what sections?

39.—Would a change of tenure, in your opinion, improve the condition and promote the welfare of the people; if yea, what other tenure would you recommend?

40.—Have you ever maturely considered the subject; if yea, will you point out a scheme or plan whereby the

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difficulties and inconveniences which have resulted, and may hereafter result from the Seigniorial tenure, may be removed in a manner consistent with justice to all parties concerned ?

41.—Can you point out to this Board a plan whereby a general and uniform system of commutation, on a fair and equitable basis, might be established ; if yea, will you please state so fully, in answer to this question ?

42.—Do you think it at all practicable to modify the Seigniorial tenure as at present existing, so as to relieve the *Censitaires* of the many heavy burthens whereof they complain, without abolishing it altogether, and without injustice to the Seignior ; if yea, please state, fully and at large, for the information of this Board, what means, in your opinion, ought to be employed to effect so desirable an object ?

43.—Admitting that you should be of opinion that a commutation of tenure has become necessary, that it is the wish of the *Censitaires* generally, and that the Seigniors, or the major part of them, are ready and willing to commute, would you consider the appointment of arbitrators indifferently chosen by the Seignior and *Censitaire*, with power to the said arbitrators to name an umpire (*tiers arbitre*) in case of a difference of opinion, a fit and proper mode of establishing the rights and interests of the respective parties ; if nay, what other course would you suggest ?

44.—Have you ever seen the Bill, intituled, “ An Act to provide for the voluntary commutation of the Seigniorial tenure in the Seigniories of Lower Canada ” ; if yea, would that Bill, if passed into a Law, in your opinion, meet the wishes of the people ; if nay, will you please state fully, the objections entertained against the whole, or any part of the said Bill ? (In case you have not seen the said Bill, a copy is herewith handed you.)

45.—Will you be pleased to favor the Board with a list of the several Seigniorial rights, charges and reservations, which your Seignior claims and demands of you as his *Censitaire*, under and by virtue of the grant and title under which he holds his Seignior or *Fief*, or of the deed of concession under which you hold your lands in his *Fief* or Seignior ?

46.—Will you be pleased to furnish the Board with your opinion as to the most equitable mode of establishing the value in money, of each of the said seigniorial rights, charges and reservations, with a view to their redemption in money, should such a measure be recommended ?

47.—What scale or rate would you propose as the basis for the calculation of the value in money, of the several seigniorial rights to which you are subjected as one of the *Censitaires* of the said Seignior or *Fief* ?

48.—Should there be any matter relating to the important subject of the foregoing interrogatories and omitted therein, which in your opinion would afford further information to the Board, will you be pleased to state the same, in as full and ample a manner as if you had been particularly requested so to do ?

*Letter accompanying the preceding Questions.*

(Circular.)

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL,

1842.

Sir,—With a view of improving the condition, and promoting the welfare of the people of this Province, by removing in a manner consistent with justice to all parties concerned, the difficulties and inconveniences which have resulted, and may result, from the tenure of lands, commonly called the Seigniorial tenure, as it now obtains, and for the purpose of establishing a general and uniform system of commutation on a fair and equitable basis, the present Commission has been appointed, with instructions diligently and expeditiously to enquire into and report thereon.

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I am, in consequence, directed by the Board of Commissioners to forward you the enclosed series of questions, with an earnest request that you will aid them in their highly important trust, by affording full and ample answers and details to the several questions submitted for your consideration. Should your convenience permit you to answer these interrogatories, an acknowledgement of the receipt of the present communication, with an intimation of your intention to comply with its contents, will greatly oblige.

I have the honor to be,  
Your obedient humble servant,

To

N. B.—Please address through the Post Office, to “ J. E. Turcotte, Esquire, Secretary to the Commission of Inquiry on the Seigniorial Tenure, Montreal.”

No. 3.

*Letters and Answers of A. A. Parent, Esquire.*

(Translation.)

QUEBEC, 6TH MAY, 1842.

Sir,—In answer to your letter of the 29th April last, I have to inform you, that being appointed attorney for Sir John Caldwell to act as agent for the Seignior of Lauzon, with the approbation of Government, and with instructions to pay the proceeds of the Seignior into the hands of the Receiver General, on account of the debt acknowledged by Sir John, I have been authorized solely to receive the revenues with a promise of the assistance of Sir John's personal attorney and agent, and that in consequence there has only been delivered to me, for the said purpose, a list of the names of the tenants with the amount of their rents. It is for this reason, that in my answers, I refer to Mr. Peter Lambert, who alone, with Mr. Tétu, Notary, understand the Seignior perfectly. As to the mills, Mr. John Thomson, Lumber Merchant, of Quebec, is the person who accounts to me for the proceeds ; a perfectly worthy man.

You will perceive, therefore, that I am not much acquainted with the said Seignior. As to what relates to myself, my answers appear on the same document which was transmitted to me. As you have to refer the same questions to Mr. Lambert, I will forward the Schedules to him, if necessary. I have written to you as early as I could, in order that the Commissioners may transmit the necessary papers to Mr. Lambert, as soon as possible.

I am, Sir,  
Your very obedient servant,

(Signed,) ANTOINE A. PARENT.

J. E. TURCOTTE, Esquire,  
Secretary to the Commission of Inquiry  
on the Feudal Tenure.

(Translation.)

Commission of Inquiry on the Seigniorial Tenure.

Answers to Questions submitted to Antoine Archange Parent, Esquire, Notary, Agent of the Seignior of Lauzon, in the District of Quebec :—

1.—Only since the 9th September, 1836.

2.—I have never had any title in my possession.

3.—The titles should be in the possession of Peter Lambert, Esquire, Surveyor, of St. Jean-Chrysostôme, who has been attorney for Mr. Caldwell for more than 25 years.

4.—Mr. Lambert must have these titles ; I having never had any of them in my own possession, as observed above.

5.—The said Mr. Lambert.

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- 6.—I refer to Mr. Lambert.
- 7.—If there have been any, Mr. Lambert is in possession of them.
- 8.—Same answer as above: reference to Mr. Lambert.
- 9.—Same answer as above: reference to Mr. Lambert.
- 10.—Same answer as above: reference to Mr. Lambert.
- 11.—Reference to Mr. Lambert.
- 12.—As I have never had any titles of this Seignior, application must be made to Mr. Lambert who is in possession of all the papers and documents.
- 13.—I know that there are six Parishes; but as I have already observed, Mr. Lambert is the only person who can answer these questions with exactness, seeing that it is he who surveyed the Seignior, and who has managed the affairs of Sir John Caldwell for more than 25 years.

14.—I have heard it said that a *terrier* was made about 10 or 12 years ago, and that it had been destroyed in a fire. If there are still any titles, Mr. Lambert has them.

15.—It was Mr. Tétù, the Notary, who made the *terrier*. I believe that the greater part of the inhabitants have their copies; Mr. Lambert can tell better than I can.

16.—Yes, Mr. Tétù who resides at Mr. Lambert's, at St. Jean Chrysostôme de Lauzon, and who is very well acquainted with the affairs of the Seignior.

17.—As I have already said, I have never had any titles in my possession: I refer to Mr. Lambert.

18.—Same answer as above.

19.—As it is Mr. Thomson, agent of Sir John Caldwell, at Quebec, who accounts to me for the proceeds of the mills, I do not precisely know the number. Mr. Lambert can answer this question.

20.—In 1837.—Point Levi.....	£ 45	0	0
“ “ —St. Henry.....	262	0	0
“ “ —St. Nicholas & Etchemin.	649	0	0
“ 1838.—St. Anselme.....	31	5	0
“ “ —St. Henry.....	189	3	1
“ “ —St. Anselme (L. Planté).	35	0	0
“ “ —Point Levi.....	61	17	6
“ “ —St. Nicholas & Etchemin.	750	0	0
“ 1839.—St. Nicholas & Etchemin	750	0	0
“ “ —St. Henry.....	119	19	8
“ “ —Point Levi.....	45	0	0
“ 1840.—St. Nicholas & Etchemin	750	0	0
“ “ —St. Henry & Plante....	126	5	5
“ “ —Point Levi.....	35	0	0
“ “ —St. Anselme.....	36	5	3
“ 1841.—St. Nicholas & Etchemin	625	0	0
“ “ —St. Henry.....	33	9	4
“ “ —Point Levi.....	30	0	0

Mr. Lambert can give the other 5 years.

21.—In 1837.—About.....	£396	0	0
“ 1838.— “ .....	533	0	0
“ 1839.— “ .....	705	0	0
“ 1840.— “ .....	880	0	0
“ 1841.— “ .....	592	0	0

Mr. Lambert can give the other 5 years.

22.—In 1837.—About.....	£925	0	0
“ 1838.— “ .....	919	0	0
“ 1839.— “ .....	988	0	0
“ 1840.— “ .....	973	0	0
“ 1841.— “ .....	1116	0	0

Mr. Lambert can give the other 5 years.

There must remain yearly in arrears of *cens et rentes* about £300.

23.—Not being authorized, as attorney for Sir John Caldwell, to exercise the right in question, I have never exercised it; but perhaps Sir John Caldwell, or Mr. Lambert for him, with the assistance of Mr. Tétù has exercised it. I refer to them.

24.—There has never been any such application to my knowledge.

25.—Same answer as the last.

26.—Many inhabitants have come to ask grants from me without explaining that they expected them on such terms. I have never made any grants, because my powers do not extend so far.

27.—Same answer as to many of the foregoing questions: I refer to Mr. Lambert.

No. 4.

*Letters and Answers from the Honorable John Stewart.*

JESUITS' OFFICE,  
Quebec, 5th May, 1842.

Sir,—I have the honor to acknowledge the receipt of your letter of 29th April, with the accompanying Questions and Schedules, submitted to me by the Commissioners appointed to enquire into the Seigniorial Tenure in Canada, and I am to acquaint you for their information, that all diligence will be used in complying with the wishes of the Board; but from the multifarious information, and number of documents required, I may not be able to complete the whole so soon as the 1st June.

With respect to the *papiers terriers* and *censiers*, I beg to say that they are in charge of the agents of the different Districts, viz: Honorable Louis Panet, Quebec, Louis Guillet, Esquire, Batiscan, J. B. Varin, Esquire, Laprairie, to whom I will give directions to communicate the same to the Board, or to any of its Members, so soon as I am informed of the time when such communication is desired to be made.

I have the honor to be, Sir,  
Your most obedient servant,

(Signed,) JOHN STEWART.

J. E. TURCOTTE, Esquire,  
Secretary to the Commissioners  
appointed to inquire into the Feudal Tenure.

JESUITS' OFFICE,  
Quebec, 12th May, 1842.

Sir,—With reference to the conversation I had with Mr Vanfelson, before he left Quebec, I have thought it right to make up answers to the first fifteen Questions submitted to me by the Commissioners, which I now do myself the honor to inclose for their information. With respect to the original grants of the Seigniories, I beg to say, that I have copies of these contained in a small folio volume, and that I have also copies of an *aveu et dénombrement* in a larger book, communication of which may be taken at this office, at any time.

I have the honor to be, Sir,  
Your most obedient servant,

(Signed,) JOHN STEWART.

J. E. TURCOTTE, Esquire,  
&c. &c. &c.

Answers to the first fifteen Questions submitted to the Commissioner of the Jesuits' Estates in Eastern Canada in

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possession of the Crown, for the information of the Board of Commissioners of Inquiry on the Seigneurial Tenure.

1.—I was first appointed one of the Board of Commissioners for the management of the Estates, on the 26th June 1815; and on the 31st May 1826, I was appointed sole Commissioner.

2.—I am not in possession of the original grants or concessions of any of the *Fiefs* or Seigniories, or *arrière fiefs*.

3 and 4.—I believe that such grants were deposited in the office of the Secretary of the Province.

5, 6, 7.—I am not in possession of any of the acts of *foi et hommage*, which I presume may have been lodged with the Clerk of the Terrars.

8, 9, 10.—I am not in possession of any original land rolls (*aveux et dénombremens*.) which I believe must be in possession of the Clerk of the Terrars.

10 and 11.—The latest *papiers terriers* and *censiers* are, as stated in my letter of the 5th May, 1842, to the Secretary, with the agents, to whom directions will be given to give communication of them.

12, 13, 14, 15.—There are a number of old concessions in the office for lands in the Seigniories situated within the District of Quebec, some of which will be transcribed and transmitted. These will shew the *quantum of cens et rentes* charged at their respective dates, with other stipulated charges and burthens. The concessions in the Seigniories in the Districts of Three Rivers and Montreal are with the respective agents, who will be directed to furnish the copies required so far as they can.

JESUITS' OFFICE,  
Quebec, 12th May, 1842.

(Signed,) J. STEWART.

No. 5.

*Answers of E. G. Wakefield, Esquire.*

RASCO'S HOTEL,  
21st May, 1842.

Sir,—I have had the honor to receive your circular letter of yesterday's date, written by direction of the Board of Commissioners of Inquiry into the Seigneurial Tenure, and inclosing a series of Questions which you desire that I should answer, together with the copy of a Bill, intituled, "An Act to provide for the voluntary commutation of the Seigneurial Tenure in the Seigniories of Lower Canada," concerning which I am asked by the forty first question, whether if such a Bill were to pass into a law, I should be of opinion that justice had been done therein, as well to the Seigneur as to the *Censitaire*.

Being very desirous of complying with the wish of the Board to obtain answers to the series of Questions with the least possible delay, provided that I may properly answer those questions at all, I hasten to beg that you will have the goodness to submit to the Commissioners, very respectfully on my part, whether in point of constitutional law, the property commonly called the Seigniorie of Beauharnois, can be deemed to be within the scope of the inquiry with which the Commissioners are charged; whether that that property could be in any wise affected by the passing into a law of the Bill, concerning which they require my opinion; and whether as the representative of the proprietors of Beauharnois, I am competent to answer the questions submitted to me.

The grounds upon which these preliminary questions rest, are:—

1st.—That the former Seigniorie of Beauharnois has been commuted under the Imperial Act 6th George 4th., cap. 59. (commonly called the Canada Tenure Act), the lands formerly comprising the same having been regranted to the late

proprietor by the Crown, by Letters Patent, bearing date the 10th May, 1836, whereby the property in such lands has been divested of the character of seigniorial and clothed with that of free tenure.

2nd.—That in consequence of such commutation and regrant as between the Crown and the Seigneur, the manner in which commutation of seigniorial rights as between the Seigneur and the *Censitaire* has been determined with much precision by an Imperial Act.

3rd.—That by the third clause of the Imperial Act to reunite the Provinces of Upper and Lower Canada, the Provincial Legislature and *à fortiori* any branch of that Legislature, is specially debarred from doing any thing repugnant to any Act which does by express enactment, or by necessary intendment, extend to either of the Provinces of Upper or Lower Canada.

From the foregoing statement, it will be seen that I should necessarily answer the first of the series of Questions by saying, that the property commonly called the Seigniorie of Beauharnois is improperly so called, being in fact a property in free tenure; and it would seem to follow, that I should thus be precluded from answering any of the remaining forty six questions, because the whole series in truth would appear inapplicable to Beauharnois.

Supposing the Commissioners should do me the honor of concurring with me in this view of the subject, I should be desirous of being guided by their opinion on two other points; The first is, whether it would be competent to the proprietors of Beauharnois voluntarily to submit the seigniorial rights reserved to them under their grant in free tenure, to the operation of every general measure which the Provincial Legislature may adopt for the commutation of the seigniorial tenure. The second is, whether or not the concurrence of every *Censitaire* as respects his own right to commutation under the Canada Tenure Act, would be requisite to give validity to the submission of the proprietors.

The Commissioners will not fail to perceive that my object in venturing to ask their opinion on the two latter questions, is to learn how far it may be possible for me, notwithstanding the peculiar circumstances in which Beauharnois is placed, to remove what at present appears an obstacle to an uniform exercise of equitable commutation for all Lower Canada; a measure which, however opinions may differ about the merits of the Seigneurial and Soccage tenure as respects the progress of settlement and the advantage of the people, has at length become most desirable for all parties, as being the only means by which a feeling of security for property can be restored throughout that very large portion of Lower-Canada in which uncertainty and alarm, with respect to the tenure of land, are the inevitable consequences of the present state of the question.

I have the honor to be, Sir,  
Your very obedient humble servant,

(Signed,) E. G. WAKEFIELD.

To JOSEPH TURCOTTE, Esquire,  
&c. &c. &c.

No. 6.

*Answers of Daniel Arnoldi, Esquire, to the Questions proposed by the Commissioners of Inquiry on the Seigneurial Tenure.*

MONTREAL, 23RD MAY, 1842.

1.—Not at present. By the 48th question, a latitude is given to the replies, I shall therefore diverge a little occasionally, from the direct question, and say that I have been a *Censitaire* in *Fief Grandpré*, in Mr. Gugy's Seigniorie of Machiche, or rather Rivière du Loup, at St. Barthelemy.

2.—It is now about forty years ago that I took up the land, *en bois debout*. I have sold it to several persons, at divers times—the last about twenty years ago.

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3.—The late Honorable Louis Gogy was Seigneur at the time. The lands were part of the yet unconceded Domain; he (the Honorable Louis Gogy) inherited the land from his father, Colonel Conrad Gogy, and he again from his brother Barthelemy Gogy, Esquire, in 1794 or 5. The latter acquired the Seigniorly shortly after the conclusion of the American revolutionary war, but whether from the Crown direct, or by purchase, I cannot say; some of the *Continuations* and *Fiefs* I have always been under the impression were more recent grants.

4.—As the concession was extensive, it so happened that I have always retained the original contracts, having sold only parcels of them occasionally; I am therefore enabled to transmit the original deeds and shall only mention a circumstance that made a strong impression on my mind at the time. When I went to take out my first deeds, my English blood was so offended at the servile conditions, that I absolutely spurned the concern, and came without passing *titres*, although I had made one of a party of gentlemen (five or six) to open out a new concession, which we had got surveyed at St. Barthelemy. They however having entered into the concern merely upon speculation, persuaded me to do so too, and were as much astonished at my conduct as I was at theirs. As our impressions are asked I have submitted mine, and doubt not many an Englishman must have experienced something similar.

5.—Answered by the last.

6.—Ditto. ditto.

7.—Ditto. ditto.

8.—The later concessions were invariably at higher *rentes* than the preceding ones. Some of the earlier concessions were at a very trifling annual *rente*, say a *livre* or two, and a couple of *arpens*, whereas our concessions were four *livres* and a bushel of wheat, *par quarante arpens*.

9.—The accompanying deeds will explain.

10.—I am not able to give any information on the subject.

11.—My answer to the 4th question is all I can say. I have however frequently heard the *habitants* say, that they did not think that the Seigneur had a right to augment the *rentes*, as they were bound to have the country settled as fast as possible; and I even possess a rough copy of a plan of a concession of the village *Ambroise*, in which a particular lot is shorter than the two neighbouring ones or any other in the concession, because the Seigneur was peremptorily required to concede: he complied, but he curtailed the lot, by which a valuable *cabrière* was conveyed to the proprietor of the lot in the rear taken up some years after.

12.—See the last.

13.—I believe the *moulin de Machiche* is the only *moulin banal*, and even this is not now the Seignior's, having been sold to Mr. Johnston. There is a mill on the little River du Loup which I believe has a *droit de banalité* from the Nuns at Three Rivers, who are the Seignioresses of River du Loup, known by the designation of Fief St. Antoine, but I am not able to say from what Seigniorly it is held: this mill has been upwards of fifty years in possession of Munro & Bell, and their predecessors Davidson & Lees, who have let it go to decay, having acquired the *droit de banalité*, they erected an excellent mill in a more favored situation, a mile or two lower down, on the river, near the main road. Since my time however there have been several mills erected, but upon what tenure I cannot say,—besides a mill at *La Carrière* which does almost all the grinding for the *Habitants*. The mill at *Beau Séjour*, which was in decay and almost abandoned in my time, I understand is now again in operation; this mill I believe was the original *moulin ban* (you will please observe, the Seigniorly of Machiche and its different *Fiefs* and continuations, are so blended with the River du Loup Seigniorly, that it requires an interested person to point out the difference) besides Mr. Pothier's mills at the Maskinongé Falls, to which five-sixths of the *Habitants* of River du Loup resort.

14.—*Le moulin rouge* (Monro and Bell's new mill) has, I believe, always manufactured more or less.

15.—The answer to this happens to be contained in my replies to 13 & 14.

16.—I cannot even form a conjecture.

17.—No.

18.—I believe it is, but neither of the Gogy's have ever exercised this *droit* to my knowledge; and having intimately known the three latter (Col. B. A. Gogy, I believe, is now in possession) I am convinced they would never exercise it, but on a very extraordinary occasion, such as a connivance between the seller and buyer, stating a lesser sum in the deed than was actually and *bonâ fide* the price of the property, for the purpose of cheating the Seigneur of his *lods et ventes*; no such cases have ever come to my knowledge, or is it ever thought of amongst the honest *Habitants* of River du Loup. The Nuns being *main morte*, of course could not exercise it. I have heard of a case at Maskinongé, where old Mr. Cuthbert exercised the *droit de retrait*, assuredly very justifiably; the party had purchased a farm there and couched in the contract, a sum not half what he had agreed to pay the person he purchased it from, and not dreaming that such a *droit* would ever be exercised, was quite confounded when *au bout de ses quarante jours* he presented his *titres pour les faire ensaisiner*. The old gentleman tendered him the nominal sum, having had intimation of the manœuvre; the fellow having expended all his money upon it, was fain to take out a new *contrat de concession* in which he was saddled with a *rente* twenty times greater than the original deed.

19.—I know of none such.

20.—Answered in 18th.

21.—I consider it a most oppressive, unjust and impolitic right. I do not mean to accuse the Seigniors of oppression, I look upon it as their vested right, for which a weighty consideration has been paid by many of them, but that can never alter its nature. Such an incubus upon enterprise has undoubtedly been the bane of our country, and has kept it back a century behind our neighbours. What encouragement has a man to improve his property, if the twelfth of it is to go to the Seigneur? Many a speculator would be content with such a profit upon his improvements. As for the poor *Habitants*, they may perhaps find it hard at times, but it is like skinning the eels "they are used to it." As for commuting, they cannot understand the measure, especially in its present shape. The Canadian however is an imitating animal, if once a few show him the way, I make no doubt that like sheep, they will all follow.

22.—The deeds will show that.

23.—I don't think this reservation is very onerous, as it is limited to the building of the manorial house or mill, or other similar internal use; it is never contemplated as a right to lumber, neither does it hinder the *Habitant* clearing his land, for, if I mistake not, the Seigneur is obliged specially to designate every tree he wants, and the purpose he wishes to apply it to. The proprietor is quite justifiable in appropriating every tree to his own use, unless he is notified to the contrary; I may however be mistaken: I have always been under the impression. I have never heard any complaints of the exercise of the rights, but mind this is only under the mild and considerate sway of the Gogy's and Nuns.

24.—I have not, nor have I heard of any that have.

25.—I certainly would have no objection to rid myself of such a degrading tenure, but the manner in which this is to be effected to render justice to all parties, I confess I am not able to point out. In my humble opinion, an increase of yearly rent for a certain number of years, would be the readiest means of emancipating our poor fellow countrymen from this thralldom, the Seigniorial *droits* in general. It would be the simplest and easiest effected and understood, and most likely to be adopted, with all deference to the rights of these gentlemen. I do not see the policy or equity

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of keeping a country back, merely because these gentlemen have some vested rights, an equitable medium should surely be found; at any rate it is so far an acknowledged evil, that your honors, would never have had to address us, were it not so. As for the precise technical tenure, I am not competent to indicate any; the simpler the better.

26.—I have not, neither do I know any that have.

27.—Most assuredly; it is bad enough in the country, but in towns and villages it is absolutely abominable, nothing could be devised that could have such a depressing effect upon energy, industry or enterprise. It is a disgrace to the country, and can be looked upon as little better than a robbery. What! an industrious tradesman who has earned a few pounds by his honest exertions, buys a vacant lot for a mere trifle, puts a house upon it, finds it convenient to remove, or part with it after spending three or four hundred pounds upon it, perhaps within the twelvemonth, and can only obtain eleven twelfths of it back again,—the other twelfth goes to the Seigneur, and for what? perhaps the very purchaser may have to do the same in a short time! I myself bought and sold a house upon which seven mutation fines had accrued in ten or twelve years: is not this abominable. I know of a property in town, upon which the arrears of *lods et ventes* are so considerable, that nobody would give as much for it as is now due to the Seigneur!

28.—Surely no man possessed of ten grains of common sense can doubt it for a minute; and I know of no *droit seigniorial* that is so generally and so justly complained of, and I no doubt much if the original grants to the Seigniors ever contemplated such an oppressive exaction.

29.—I must again repeat my respect for the vested rights of the Seigniors, and strictly think they are entitled to a fair compensation, but this admits of some latitude in construction; I don't think it quite fair that a country should be kept back merely to please these gentlemen, they should therefore come down a little, especially the Seigniors of the towns and villages. Let me here pay a just tribute to the abstinence of the gentlemen of the Seminary, who have always been extremely lenient, and who have made it a practice not to exact the  $8\frac{1}{2}$  p. cent, when individuals themselves pay them the *lods et ventes*, although they exact and receive it upon every Sheriff's sale, arrears and all. Mutations out of the city limits have not the same lenity extended to them; now this very circumstance is the strongest argument that can be adduced as to the propriety of making the compensation upon commutation at a far less figure than it otherwise would be. As for the Bill, I reprobate it in toto, that is to say; in its details, perhaps I do not understand them, there may be too much law in it. As I read it however, there is not one in a hundred that would be able or willing to comply with its provisions, and it can never be looked upon as a radical cure. I can suggest no better plan than a moderate, very moderately increased annual *rente* upon each property.

30.—No. I have heard of such things elsewhere, but I know of nothing positively.

31.—No.

32.—I know of no such transaction.

33.—I have no deeds that can throw any light upon the subject; I believe I have already said, modern concessions are far higher than ancient ones.

34.—No. The Messrs. Gury have always been too good and indulgent Seigniors, and have conceded many a lot of land purposely for *une terre à bois*, which could hardly contemplate *feu et lieu* for years to come.

35.—I know of no such proceedings, but I have heard of a litigious character, known by the appellation of *Grand Duchaine*, many years ago, having compelled the first Gury to concede lands, but I was given to understand that if a Seigneur had conceded a certain quantity in a year, he could not be compelled to concede more that year; is it so or not? I cannot tell.

36.—I have stated above, all I can say on that subject.

37.—The same.

38.—The same.

39.—Much may be said *pro* and *con* "*quoad*" the *Habitans* as they are used to it, and are wedded to their old prejudices, but to another race there is no question but a more liberal tenure would be desirable, and the prosperity of the country commensurably fostered; what specific tenure could be adopted, I am not competent to judge or describe, but such as the Upper Canadians enjoy must confer the same benefit to the Lower Canadians I presume.

40.—I have never given the subject that attention it merits, not having the most distant idea that I should ever be honored with a call for my opinion upon it.

41.—I have already repeatedly stated my incompetence of suggesting any plan that would suit all parties. I have however ventured to propose a moderate increased *rente* for a limited time, especially in towns, and a little more in country places. This plan would do away with the whole of the nefarious system at once, whereas the Bill puts it only in the power of the rich man to emancipate himself,—the poor man must groan under it all his life.

42.—I do not nor ever did like half measures; it is as serious an error in politics as in medicine,—an inveterate disease is to be grappled with by a strong arm. But I don't mean to kill my patient by the violence of my doses; the Seigniors have their undoubted rights, and they ought to be protected in them as far as possible, "equal justice to all." How is it possible to modify a thing that is radically bad, so as to satisfy those who inveigh against every part of it, with so much reason.

43.—I conceive the measure would be far better and sooner accomplished by a commensurate *rente*, than by any other. In a business of this nature, arbitration would be susceptible of great abuses, and I am afraid would be little better than a conspiracy, and would open the door to a vast deal of intrigue; at any rate no one could expect an unbiased decision.

44.—I do not like the Bill, it is too complex, and favors only those who stand in least need of it.

45.—The accompanying deeds will afford all the information I possess.

46.—I am really not competent to afford any light upon this subject. Without ever giving it a serious thought before this moment, I have ventured to suggest an increase of *rente* as generous as (all circumstances duly considered) may form an adequate tenure, proportionate to what each Seigneur may under the present system be reasonably supposed to enjoy, that is to say, fully as much as the legal interest of the capital he has invested. I am not pleased with this reply, but I can form no better.

47.—I have inadvertently alluded to it above.

48.—Nothing more occurs to me at present.

Your humble servant,

(Signed,) DANIEL ARNOLDI.

To the Commissioners of Inquiry on Seigniorial Tenure.

No. 7.

Answer and Letter of Mr. James McKenzie.

QUEBEC, 24TH MAY, 1842.

J. E. TURCOTTE, Esq.

SIR,—I have the honor to acknowledge the receipt of your packet, containing your letter dated 18th May, together with a copy of an "Act to provide for the voluntary commutation of the Seigniorial Tenure in the Seigniories of Lower Canada" and "a series of Questions to be submitted to

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certain *Censitaires* in the several *Fiefs* or Seigniories in the Province;" in answer, I am sorry to say that it is totally out of my power to reply to at least four fifths of the questions, and those of the most importance, in consequence of my inability to speak the French language, and my non residence in the country, where, if I had been residing, I might have found out the wants and wishes of the *Censitaires* and *Habitans* generally. As regards my own feelings, I would most decidedly wish for a change of tenure, as in my opinion it would "improve the condition and promote the welfare of the people," and for that purpose commutation on a general and uniform system seems to me to be the most eligible, subject to the decision of arbitrators chosen by the *Censitaires* and Seigniors indifferently. I therefore think that the Bill as it now stands, if passed into a law, would be calculated to effect the object aimed at.

I have the honor to be,  
Your obedient humble servant.

(Signed.) JAMES MCKENZIE,  
per J. LORIMIER.

No. 8.

*Series of Questions proposed to John Thomson, Esquire.*

Commission of Inquiry on the Seigniorial Tenure.

MONTREAL, 28TH MAY, 1842.

Sir.—In consequence of answers to Interrogatories on the Seigniorial Tenure Inquiry, received from A. A. Parent, Esquire, agent of *Fief* Lauzon, in which he refers this Board to you for certain information respecting the same, I am directed by the Board of Commissioners to forward to you the enclosed series of Questions, and to request you will be pleased to transmit answers to them at your earliest convenience.

I have the honor to be, Sir,  
Your obedient humble servant,

(Signed.) J. E. TURCOTTE,  
Secretary.

To JOHN THOMSON, Esquire,  
&c. &c. &c. Quebec.

Commission of Inquiry on the Seigniorial Tenure.

Questions submitted to John Thomson, Esquire, of Quebec, agent of Sir John Caldwell, Seignior of the *Fief* Lauzon, in the County of Dorchester, near Quebec.

1.—Have you not been for several years, and are you not still the agent of Sir John Caldwell, for the management and superintendence of the several mills of the Seignior of Lauzon?

2.—How many seigniorial mills (*moulins banaux*) are there within the limits of the *Fief* or Seignior of Lauzon, or in any of the *arrière fiefs* in the said Seignior?

3.—Will you be pleased to state the true and exact value of every such mill; also state the annual average value of *rente* or *droit de mouture* of each separate mill, for the last ten years?

4.—Are the said mills used exclusively by the *Habitans* or *Censitaires* of the said *Fief*, for grinding the grain which they are bound to cause to be ground at the said banal mill, or are they also used as manufacturing mills; if the latter be the case, will you please, in the valuation you make of each, distinguish and class apart those mills exclusively used by the *Censitaires* as banal mills, from those used as manufacturing mills, and also from those used for both purposes?

5.—Were the said mills originally built as banal mills, for the sole use of the *Censitaires*; or were such mills, or any of them, built and intended for grinding grain generally, as matter of interest or speculation on the part of the Seignior; if yea, please state how many mills, if there are more than one in the said *Fief*, are exclusively used as banal mills by

the *Censitaires*, and how many as general manufacturing mills, and also how many are used for both purposes?

6.—Would a change of tenure, in your opinion, improve the condition and promote the welfare of the people; if yea, what other tenure would you recommend?

7.—Have you ever maturely considered the subject; if yea, will you point out a scheme or plan whereby the difficulties and inconveniences which have resulted, and may hereafter result from the Seigniorial tenure, may be removed in a manner consistent with justice to all parties concerned?

8.—Can you also point out to the Board a plan whereby a general and uniform system of commutation on a fair and equitable basis might be established; if yea, will you please state so fully in answer to this question?

*A series of Questions submitted to the Gentlemen of the Bar for the Districts of Quebec, Montreal and Three Rivers.*

1.—How long have you practised at the Bar, and in what District?

2.—Have you any, and what knowledge, that since the year one thousand seven hundred and sixty-three, any actions have been instituted, by and on behalf of the Crown, against the proprietor or actual holder of any *Fief* or Seignior, to re-unite the soil to the Royal Domain, owing to the proprietor or holder of such *Fief* having neglected to settle himself, or to cause the said *Fief* to be settled by *Censitaires*, in execution and furtherance of the conditions of settlement stipulated in and by the original grant of such *Fief*, or because such Seignior had refused to grant wild lands in such *Fief* to the applicants who were desirous to obtain them; if you have any such knowledge, will you be pleased to state who were the parties defendants to such actions, when instituted, in what Court and District, the cause of the action, and the nature of the judgment, if any rendered, in such cases?

3.—Have you ever sued or prosecuted on behalf of Seigniors, any *Censitaires* of any *Fief* situate in the Province, for not settling on or cultivating any wild lands (*terres en bois debout*) granted to such *Censitaires*, after the period allowed them by the grant so to do; and if so, will you please state the names of the parties, when the actions were brought, the nature of such actions, whether *en réunion au domaine*, or otherwise, the judgment rendered, if any, and by what Court, and in what District?

4.—Have you ever instituted any actions on behalf of Seigniors against any *Censitaires*, to enforce the right of banalité (*droit de banalité*) against them; if yea, will you be pleased to state, for the information of the Board, whether such actions were founded upon the "*Arrêt du Conseil d'Etat du 4 Juillet, 1686, au sujet des moulins banaux*," or were such actions founded solely on the convictions or stipulations to that effect, contained in the grant of concessions made to such *Censitaires* or to their *auteurs*; if yea, please state upon what founded, the names of the parties, when and where instituted, what the judgment was, if any rendered, and in whose favor given?

5.—Have any *Censitaires*, to your knowledge, ever instituted any and what actions against any Seigniors to compel them to build or repair any banal mill (*moulin banal*) in any *Fief* or Seignior; if yea, will you please state the names of the parties, the nature of the actions, when and where instituted, what judgment was given, and by what Court?

6.—Have you ever instituted any and what actions, against any Seigniors, on refusal by them to grant such *Censitaires* wild lands (*terres en bois debout*) in any *Fief* or Seignior, and pass and execute the usual and ordinary title deed; if yea, be pleased to state the names of parties, the nature of the actions, where and when instituted, and what judgment was rendered, and in whose favour?

7.—Have you any, and what knowledge, of any Seigniors of *Fiefs* in the Province, deviating materially, in granting;

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wild lands (*terres en bois debout*) to the rules laid down for Seigniors in the "Arrêt du Conseil d'Etat du 6 Juillet, 1711"; if yea, will you please state in what particulars they so deviated, and whether you are of opinion they were justified in so doing; and in that case, have you any objection to state, for the information of the Board, your reasons for holding out to that opinion?

8.—Have you any, and what knowledge, of any refusal made by Seigniors to applicants, to grant them wild lands (*terres en bois debout*) when such Seigniors were requested so to do, or to grant such wild lands (*terres en bois debout*) on the terms and conditions of the "Arrêt du Conseil d'Etat du 15 Mars, 1732," prohibiting the stipulation or receipt of any sum of money by the Seignior from the grantee, in consideration of such grant; if yea, will you please state fully all the knowledge you have on the subject?

9.—Have you any, and what knowledge, of any actions having been instituted by any inhabitant or inhabitants against any Seignior of *Fief* in the Province, to compel such Seignior to grant to such inhabitant or inhabitants such wild lands (*terres en bois debout*) as were by them asked, upon the same terms and conditions as those imposed on like lands already granted in such *Fiefs* (*aux mêmes droits imposés sur les autres terres concédées dans les dites Seigneuries*); if yea, state the names of the parties, the nature of the actions, when instituted, in what Court, the judgment if any rendered, and in whose favour?

10.—Have any Seigniors, to your knowledge, ever refused to grant wild land (*terres en bois debout*) in any *Fief* or Seignior on the terms and conditions stated in the preceding questions; if yea, please state, for the information of the Board, the reasons assigned by such Seigniors, if you know them, for deviating from the injunction, of the *Arrêt* of 1711?

11.—Have you ever considered and matured any scheme, or devised any plan to effect the voluntary commutation of the Seigniorial Tenure in the Province; if yea, have you any objection to inform the Board what scheme or plan you propose?

12.—Have you ever read, or do you possess a copy of the Bill, intitled "An Act to provide for the voluntary commutation of the Seigniorial Tenure, in the Seigniories of Lower Canada," lately introduced in the Legislative Assembly of Canada; if yea, have you reflected and maturely considered the principles and rules laid down as the basis upon which a voluntary commutation of tenure could take place; and if you have maturely reflected on this momentous subject, will you be pleased to state, for the information of the Board, whether you concur in opinion with the mover of that measure; and whether, if such Bill were to pass into a law, you would be of opinion, justice has been done to all parties concerned. If you answer nay, be pleased to state fully your reasons of dissent?

13.—If you consider that the subject matter at stake between the Seigniors on the one hand, and the *Censitaires* on the other, has not been taken up by the provisions of the said Bill, in a thorough and impartial manner, so as to afford justice to both parties concerned, will you be pleased to furnish the Board with your opinions in writing, and your observations on the subject?

14.—In case you have not seen the said Bill, the Board hand you a copy thereof with this series of Questions, with an earnest request on their part, that you will be pleased to read and examine the same, so as to enable you to answer fully the several preceding interrogatories which have immediate relation to the voluntary commutation of tenure.

15.—Should there be any matter relating to the important subject of the foregoing questions, and omitted therein, which in your opinion would afford further information to the Board; will you be pleased to state the same, in as full and ample a manner as if you had been particularly requested so to do?

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Answers of the Honorable John Stewart, Commissioner of the Jesuits' Estates, as inserted in the columns of printed Schedule.

Relating to the Seigniorie of Laprairie.

1.—Laprairie, in the County of Huntingdon, and District of Montreal.

2.—1st April, 1647.

3.—

4.—*La Compagnie de Jésus.*

5.—2 leagues by 4. 56,448 square arpents; bounded in front by the River St. Lawrence, in rear by (1) Barony of Longueuil and (2) Seigniorie De Léry, and (3) Township of Sherrington; on the N. E. by the said Barony of Longueuil, and on the S. W. by the (4) Seigniories of Sault St. Louis and (5) La Salle, and the Township of Sherrington.

1. Mr. Grant
2. Plenderleath.
3. Allan and Languedoc.
4. Crown, in trust for Indians.
5. Heirs Selby.

6.—*À la charge seulement à donner à Sa Majesté, en son Chateau de St. Louis de Québec, une déclaration de l'état et valeur des dits lieux par forme d'aveu.*

7.—The Crown.

11.—37.

12.—56,448 including the Common, which is 2,736 arpents for the use of the *Censitaires*, who pay *trente sous* per annum, for the privilege of grazing their cattle.

13.—996.

14 & 15.—There are no concessions of recent date; copies of the old grants to be furnished by the agent, will show the rates at different periods.

16 & 17.—Uncertain.

18.—None.

20.—For eight years to 30th September, 1839, £179 2s. 4d. They are afterwards blended with the *cens et rentes*.

21 & 22.—For eight years to 30th September, 1839, £263 5s. 2d. They are afterwards blended with the *lods et ventes*.

23.—The arrears of *cens et rentes* and *lods et ventes* amount together to £10,717 12s. 2d. ascertained by a declaration to a *papier terrier* now recently completed.

24.—Rail Road *constitut*, £21 13s. 11d.

25.—One.

26.—£175 per annum.

27.—£280 14s. 8d.

28.—It has never been exercised to my knowledge.

32.—None to my knowledge.

34.—There have been none to grant in my time.

36.—I refer to the copies of titles to be furnished by the agent.

JESUITS' ESTATES OFFICE,  
Quebec, 7th June, 1842.

(Signed,)

J. STEWART.

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*Relating to the Seigniorie of Sillery.*

- 1.—Sillery, in the District and County of Quebec.
- 2.—23rd October 1699.
- 3.—Hector De Callière and Jean Bochart.
- 4.—Aux Pères Jésuites.
- 5.—One league by  $1\frac{1}{2}$  leagues, 10,584 square arpents, bounded in front by the River St. Lawrence ; in rear by St. Gabriel ; to the N. E. by St. Michel and St. François, and to the S. W. by Guadarville.
- 6.—In consideration of the great spiritual and temporal assistance given to the Savages.
- 7.—The Crown.
- 11.—Four.
- 12.—10,384.
- 13.—82.
- 14.—The part unconceded within the Domain is offered at £20 per arpent, *à constitut* at 5 per cent. interest, and *cens*.
- 15.—In the year 1830, certain portions of the Domain were sold at auction, from £20 1s. to £33 10s. per arpent, *à constitut* at 5 per cent. and *cens*.
- 16 and 17.—Uncertain.
- 18.—200 arpents.
- 19.—Partly light loam with a substratum of gravel, and part a black swamp.
- 20.—£85 10s. 2d.
- 21.—Uncertain.
- 22.—£31 15s. 5d.
- 23.—£451 4s. 2d.
- 24.—£644 10s. 8d. arising from interest on *constitut* and rent of coves.
- 25.—None.
- 28.—At no time to my knowledge.
- 32.—An application was made by the late Reverend Dr. Mills to the Executive Government, and has been since renewed by his representatives, but I have no official information of the decision of H. M. Government on this matter.
- 34.—None.
- 36.—I refer to the Schedule of titles herewith.

JESUITS' ESTATES OFFICE,  
Quebec, 31st May, 1842.

(Signed,) J. STEWART.

*Relating to the Seigniorie of St. Gabriel.*

- 1.—St. Gabriel in the County and District of Quebec.
- 2.—22nd November 1667.
- 3.—Robert Giffart and his wife.
- 4.—To the Order of the Jesuits.
- 5.—One and a half by ten leagues, 105,840 square

arpents, bounded in front, by the Seigniorie of Sillery ; to the N. E. by St. Ignace ; to the S. W. by Guadarville, Fossambault, and the Township of Gosford, and in the rear by waste lands of the Crown.

- 6.—For the services rendered by the Jesuits to the donors.
- 7.—The Crown.
- 11.—5.
- 12.—40,000.
- 13.—417.
- 14.—*Un sol de vingt sols a la livre pour chaque arpent de terre superficie, et un chapon vif ou vingt sols tournois pour chaque arpent de front, sur vingt arpents de profondeur.*
- 15.—The present rates were first adopted in the Concessions in this Seigniorie in the 1818.
- 16 & 17.—Uncertain.
- 18.—65,840, including Indian Reserve, &c.
- 19.—I have no personal knowledge of the quality and nature of the soil. It may be of equal value with the lands in the adjoining Township of Gosford, which have been sold at 1s. 3d. to 4s. 2d. per acre.
- 20.—£60 0s. 8d.
- 21.—Uncertain.
- 22.—£80 3s. 3d.
- 23.—£2051 10s. 2d.
- 24.—None.
- 25.—Two and an Oat Mill.
- 26.—Ancienne Lorette is let at £40 per annum, Jeune Lorette, at £68, and Oat Mill at Val Cartier at £15.
- 27.—£91 6s. 3d.
- 28.—At no time to my knowledge.
- 32.—None to my knowledge.
- 34.—None.
- 36.—I refer to the Schedule of titles herewith.

JESUITS' ESTATES OFFICE,  
Quebec, 31st May, 1842.

(Signed,) JOHN STEWART.

*Relating to the Seigniorie of Belair.*

- 1.—Seigniorie of Belair in the District of Quebec.
- 2.—24th November 1682.
- 3.—Governor General and Intendant.
- 4.—William Bonhomme, from whose heirs the Jesuits purchased the Property.
- 5.—One league by two, 14,112 square arpents, bounded in front of the Seigniorie of De Maure ; in rear and to the S. W. by Fossambault, and to the N. E. by Guadarville.
- 6.—The right of holding Courts of Justice, and that of hunting, fishing, &c.
- 7.—The Crown.
- 11.—5.

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12.—14, 112.

13.—157.

14.—*Un sol de vingt sols a la livre pour chaque arpent de terre en superficie, et un chapon vif, ou vingt sols tournois pour chaque arpent de front.*

15.—The present rates were adopted in the year 1833.

16 &amp; 17.—Uncertain.

18.—210 arpents.

19.—I have no personal knowledge of the quality and nature of the soil. It has been reported very rocky with intervals of arable land; few or none of the concessions made since 1833 have been settled, in consequence of the badness of the soil.

20.—£2 11s. 7d.

21.—Uncertain.

22.—£25 8s. 1d.

23.—£558 18s. 2d.

24 &amp; 25.—None.

28.—Never to my knowledge.

34.—Some applications have been made which on enquiry were for wood lands. My answer has uniformly been, that the conditions in the deeds of concession were to "*tenir feu et lieu*," and other usual conditions.

36.—I am not in possession of any of the old concessions in this Seigniorship.

JESUITS' ESTATES OFFICE,  
Quebec, 31st May, 1842.

(Signed,) J. STEWART.

*Relating to the Seigniorship of Cap de la Magdeleine.*

1.—Cap de la Magdeleine.

2.—20th March 1651.

3.—Messire Jacques de la Ferté, Abbé de St. Magdeleine.

4.—The Order of Jesuits.

5.—2 leagues by 20 leagues, 282,240 square arpents, bounded in front by the River St. Lawrence; in rear by the lands of the Crown; to the N. E. by the (1) Seigniorship of Champlain, and Crown Lands; to the S. W. partly by the River St. Maurice, and partly by the lands of the Crown.

1. Heirs D. Munro and Honorable M. Bell.

6.—In consideration of the zeal of the Jesuits for the establishment of the Christian Faith, and for the conversion of the Savages; and likewise in order to enable the Jesuits to continue their labors and to subsist, the whole according to the custom and constitution of the said Company of Jesus, without any civil obligation.

7.—The Crown.

11.—12.

12.—44,230.

13.—350.

14.—*1 sol de vingt sols a la livre, et un chapon ou vingt sols tournois par vingt arpens en superficie.*

15.—The present rate was first adopted in this Seigniorship in the year 1831.

16 &amp; 17.—Uncertain.

18.—200,000 arpents, including Lakes, Rivers, &amp;c.

19.—I have no personal knowledge of the quality and nature of the soil, the value set upon Crown Lands on the north side of the Saint Lawrence is 4s per acre.

20.—£24 13s. 1d.

21.—£263 16s. 2d.

22.—£42 9s. 5d.

23.—£869 12s. 9d. and 156 minots wheat.

24.—£31 19s. 3d., reserve for use of Forges Saint Maurice and saw logs.

25.—One.

26.—It is let on shares, but is now under repair.

27.—£115s 11s. 6d.

28.—Never to my knowledge.

32.—None to my knowledge.

34.—None to my knowledge.

36.—I refer to copies of deeds of concession herewith transmitted.

JESUITS' ESTATES OFFICE,  
Quebec, 6th June, 1842.

(Signed,) J. STEWART.

*Relating to the Seigniorship of Batiscan.*

1.—Seigniorship of Batiscan, County of Champlain and District of Three Rivers.

2.—13th March, 1639.

3.—Jacques de la Ferté, Abbé de Ste. Magdeleine, and confirmed by the King of France, 12th May, 1678.

4.—Religious Order of Jesuits.

5.—Two leagues or thereabouts (2½) by 20 leagues, 282,240 square arpents, bounded in the front by the River St. Lawrence, in rear by lands of the Crown, on the N. E. by Fief Ste. Marie, Seigniorship of Ste. Anne and Crown lands, and on the S. W. by Seigniorship of Champlain and lands of the Crown.

6.—The terms in the original grant, are "*et la tenir en plein Fief, foi et hommage, haute, moyenne et basse Justice et aux us et contenus des Fief de la Prévôté de Paris, et lorsque la dite espace de terre sera cultivée, seront tenus les dits Révérends Pères de donner ou faire donner par ceux qui la posséderont, au Sieur Abbé et à ses héritiers, une croix d'argent de la valeur de vingt sols, de vingt ans en vingt ans, pour reconnaissance.*" These terms (except that a *croix d'or* is substituted for a *croix d'argent*) were subsequently confirmed by Jacques Ducheneau, *Intendant de Justice, Police et finance* by an Ordinance dated 9th February, 1676.

7.—The Crown.

11.—21.

12.—66, 439.

13.—700.

14.—"*Un sol par arpent en superficie et un chapon vif, ou vingt sols tournois pour chaque arpent de front sur vingt.*"

15.—The present rates were adopted in this Seigniorship in the year 1825.

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16. &amp; 17.—Uncertain.

18.—215,801, including Lakes, Rivers, &amp;c.

19.—I have no personal knowledge of the quality and nature of the soil, which must be various from the extent of the land. The Crown lands on the North West side of the St. Lawrence are offered at 4s. per acre.

20.—£34 18s. 1d.

21.—£643 7s. 11d.

22.—£134 18s. 11d.

23.—£1716 7s. 3d.

24.—£107 10s. 9d., arising from farms, saw logs and ferries.

25.—Three, and another small mill allowed to grind.

26.—Domain mill is let on shares, La Rivière à Veillet, at £50 per annum; St. Stanislas is re-building, and the private mill pays 26 minots of wheat annually.

27.—£168 9s. 6d.

28.—In one instance I directed the *droit de retrait* to be exercised, but it has not been completed.

32.—None.

34.—None.

36.—I refer to copies of deeds of concession, to be furnished by the agent.

JESUITS' ESTATES OFFICE,  
Quebec, 6th June, 1842.

(Signed,) J. STEWART.

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SEIGNIORY OF SILLERY.

SCHEDULE OF TERMS OF CONCESSION BY THE LATE ORDER OF JESUITS.

Date.	To whom conceded.	Number of Arpents.	Rents.	Capons.	Cens.	RESERVATIONS AND REMARKS.
1652, January 16,	Nicolas Paternoster,	40	2 livres,	{ 2 capons and 2 hens, "	2 deniers,	Censitaire to allow Indians to cut wood.
" " "	Mathurin Toret,	40	2 "	" "	" "	" "
" " "	Madame De L'Isle,	60	3 "	" "	" "	" "
" " "	Jean Jobin,	2 arpents in front,	3 livres tournois,	" "	" "	" "
" " "	Madame Dupont,	60	3 livres,	" "	" "	" "
1660, October 10,	Etienne De Neveu,	3 arpents in front,	2 "	" "	" "	" "
1661, January 3,	Maurice Amiot,	40	3 "	2 capons, 2 hens,	" "	" "
1663, February 16,	Etienne Sedillot,	60	3 "	2 capons,	" "	" "
" " "	Adrien Sedillot,	60	3 "	" "	" "	" "
" " "	Jean Morin,	60	3 "	" "	" "	" "
1691, May 6,	J. B. Pin,	2 arpents in front,	30 sols,	" "	" "	" "
1697, July 31,	Charles Saucier,	120	6 livres,	4 "	4 sols,	{ Censitaire to cut wood for his own use only. Farm not to be sold without the consent of the Seigneur.
" August 9,	Pierre Petitclerc,	80	12 "	" "	2 "	" "
" September 10,	Pierre Pilote,	40	6 "	" "	1 "	" "
" " 16,	N. Bonnehomme Dulac,	{ 2 arpents 2 perches, } by 20,	6 "	" "	" "	" "
1703, December 17,	Guillaume De Guises,	2 arpents in front,	{ 1 sol per superficial } arpent,	" or 40 sols,	—	The Seigniors reserves the right to cut wood on two arpents for themselves.
1705, July 25,	Michel Moreau,	52	52 sols,	" "	2 sols,	{ Right to cut wood on two arpents reserved. Censitaire to sell land only when four arpents are cleared.
1706, February 20,	Fra. Poitras,	120	6 livres,	4 "	" "	Censitaire not to sell land until four arpents are cleared.
" July 19,	Jean Comeau,	80	46 " 16 sols,	" "	" "	" "
1707, March 27,	Joseph Poidras,	90	46 " 10 "	3 capons,	1 sol,	Seigneur reserves right to cut wood on two arpents.
1710, April 30,	Pierre Hamel,	2 1/2 arpents in front,	{ 1 sol per superficial } arpent,	2 "	2 sols,	" "
1715, September 7,	L. De Laporte De Souvigny,	102	5 livres 2 sols,	5 "	" "	Censitaire not to sell land until the expiration of thirty years.
1716, April 27,	F. Martin du Lino,	200	10 livres,	10 "	10 "	" "
1717, September 17,	Charles Maufait,	36	2 "	2 "	2 "	" "
" " "	Frs. Bonnehomme,	50	2 " 10 sols,	2 "	" "	" "
1725, July 20,	S. Bernard Durbois,	90	4 " 10 "	1 "	1 "	" "
1742, March 23,	Jacques Drolette,	24	1 " 4 "	1 " or 15 sols,	1 sol,	{ Seigneur reserves oak timber to build Vessels. Censitaire not to sell land to Gens de Main Morte.
" " "	André Hamel,	24	ditto,	" "	" "	" "
1744, January 10,	Jean Grégoire,	{ 6 arpents, by 1 1/2 in front,	1 sol per superficial } arpent,	2 " 30 "	2 "	" "
" " 11,	François Cjesse,	{ 2 arpents, by 1 in front,	1 sol tournois per } superficial arpent,	" "	1 "	" "
" August 1,	Pierre Fournier,	80	4 livres tournois,	" "	2 "	" "
1764, December 28,	Joseph Bisson,	60	2 livres 10 sols,	3 " 45 "	" "	" "
1771, May 1,	Heirs of Joseph Massé,	19 1/2	{ 1 sol tournois per } arpent,	1 " 15 "	1 "	" "

I certify the foregoing Schedule to be a correct Statement of the Terms and Rates of Concession by the late Order of Jesuits, taken from Notarial Copies of Deeds of Concession of record in this office.

JESUITS' ESTATES OFFICE,  
Quebec, 31st May, 1842.

(Signed,) J. STEWART.

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SEIGNIORY OF ST. GABRIEL.

SCHEDULE OF TERMS OF CONCESSION BY THE LATE ORDER OF JESUITS.

Date.	To whom conceded.	Number of Arpents.	Rents.	Capons.	Cens.	RESERVATIONS AND REMARKS.
1671, January 15,	Jean Pettillot, .....	60	3 livres-tournois,	2 capons,	2 deniers,	The Indians to cut wood for their own use. One-half arpent for mill site.
" " "	J. B. Morin de Roche, .....	60	" "	" "	" "	" " " " " " " "
1676, July 12,	Jean Marney, .....	3 arpents in front.	{ 1 sol per superficial } arpent,	3 "	3 "	" " " " " " " "
1679, February 22,	Jacques Barbault, .....	60	{ 3 livres, } 3 arpents,	" "	" "	" " " " " " " "
" " 9,	Gabriel Dumonty .....	80	4 "	4 "	2 sols,	" " " " " " " "
1681, October 31,	Jean Lefebvre, .....	60	3 "	2 "	2 deniers,	" " " " " " " "
1689, April 12,	Jean ReRouge, .....	Not specified,	{ 1 sol per superficial } arpent,	6 "	4 "	" " " " " " " "
1697, November 5,	Noel Alain, .....	120	6 livres,	4 "	4 sols,	The right to cut fire-wood on four arpents.
1699, July 25,	Bernard des Abbaudes, .....	80	4 "	" "	1 sol,	" " " " " " " "
1705, June 8,	Jacques Dion, .....	80	4 "	" "	1 "	" " " " " " " "
1706, January 8,	Guillaume Renault, .....	100	5 "	5 "	2 "	The Indians to cut fire-wood for their own use. One-half arpent for mill site.
1707, April 5,	Pierre Alain, .....	112	6 "	4 "	2 "	" " " " " " " "
1708, February 9,	Pierre Hauel, .....	32	1 " 12 sols	1 "	1 "	The right of Seigneur to cut wood on 4 arpents. Land not to be sold till 4 arpents be cleared.
1709, " 28,	Pierre Bertheaume, .....	18 arpents, 16 perches,	{ 1 sol per superficial } arpent,	30 sols in lieu of } capons,	" "	" " " " " " " "
1716, " 5,	René Girard, .....	60	3 livres,	2 capons,	2 "	" " " " " " " "
1717, " 4,	Gabriel Boutin, .....	60	" "	3 "	4 "	" " " " " " " "
1718, March 15,	Frs. Chastel, .....	60	" "	2 "	2 "	" " " " " " " "
" " August 28,	Frs. Méguron, .....	120	6 "	5 "	3 "	" " " " " " " "
1720, September 10,	Jean Folardeau, .....	60	3 "	1 bon coq d'Inde,	2 "	" " " " " " " "
" " December 15,	Pierre Regnault, .....	{ 3 arpents, by 16 } arpents, 1 perch, 12 feet,	{ 1 sol per superficial } arpent,	1 "	" "	Land not to be sold till four arpents be cleared. Censitaire not to sell any wood.
1723, April 20,	Pierre Morin, .....	60	3 livres,	1 "	" "	" " " " " " " "
1733, November 3,	Pierre Sansregret, .....	60	" "	3 capons, or 45 sols,	" "	" " " " " " " "
1734, December 15,	Pierre Verré, .....	60	3 livres-tournois,	{ 6 " } or 4 livres }	4 "	Oak timber to build vessels reserved. Land not to be sold to Gens de Main Morte.
1738, January 8,	Pierre St. Heureux, .....	54	2 livres-tournois,	{ 10 sols, } 1 capon, or 15 sols }	1 "	" " " " " " " "
" " "	Frs Savare, .....	40	2 livres, 14 so's,	{ per 20 arpents, } 2 capons, or 30 sols, }	" "	" " " " " " " "
" " "	J. E. Savare, .....	30	1 livre 10 sols,	{ 1 " } or 15 " }	" "	" " " " " " " "
1742, June 21,	P. Chapain dit Lajus, .....	40	3 livres-tournois,	1 "	" "	" " " " " " " "
" " November 3,	Pierre Bernard, .....	105	7 livres 10 sols,	" "	3 "	" " " " " " " "
1745, September 15,	Jean Langlois, (Sauvage), .....	Not specified,	{ 1 sol per superficial } arpent,	1 capon, or 15 sols } per 20 arpents,	1 "	" " " " " " " "
1746, November 4,	Peter Louis, (Sauvage), .....	" "	4 sols-tournois,	2 capons, or 30 sols,	" "	If land be sold to a <i>François</i> he must pay ordinary Rents, Capons, &c.
1748, May 14,	Jacques Colombier, .....	40	2 livres,	3 "	2 "	Oak timber reserved to build vessels. Land not to be sold to Gens de Main Morte.
1751, July 21,	Frs Darveau, .....	60	3 livres-tournois,	3 "	3 "	" " " " " " " "
1750, August 16,	Joseph Vincent, (Huron), .....	About 25	6 coppers,	2 coppers,	2 coppers,	" " " " " " " "
1794, September 10,	Louis Monique, ( " ) .....	24	10 sols,	" "	" "	" " " " " " " "
1799, June 4,	André Romain, ( " ) .....	60	3 livres,	3 capons, or 45 sols,	3 sols.	Oak timber reserved for King's ships.

I certify the foregoing Schedule to be a correct Statement of the Terms and Rates of Concession by the late Order of Jesuits, taken from Notarial Copies of Deeds of Concession of record in this office.

(Signed,) J. STEWART.

JESUITS' ESTATES OFFICE,  
Quebec, 31st May, 1842.



Appendix  
(F.)

No. 10.

4th October.

Answers of F. W. Primrose, Esquire, Inspector General  
of the Queen's Domain, and Schedules accompanying  
the same.

QUEBEC, 10TH JUNE, 1842.

Sir,—The undersigned, Inspector General of Her Majesty's Domain in that part of the Province of Canada called Lower Canada, in answer to the Queries submitted to him by the Commissioners on the Seigniorial Tenure Inquiry, dated 27th April, 1842, transmits herewith, in reference to the four first questions, a statement which contains as nearly as possible the information required. The undersigned has endeavoured to make this return as correct as possible, as far as the documents in his office and the information he possesses would enable him to do; but embracing as it does a statement connecting the original concession with the present proprietors, and the ancient with the modern designation of the Seigniors, and under the circumstances of many of the Seigniors never having come forward to be recognised or to perform the accustomed duties, it is necessarily incomplete, and may in some few particulars be erroneous.

A separate return is sent containing answers to the 5th and 6th Queries, and also another with those to the 7th and 8th.

To the 9th.—On Commutation of Tenure, it has been the practice till recently, for the Crown and the party to name each an *expert*, to ascertain the value, with power to name

a third in case of difference of opinion, and the commutation money is paid previous to the issuing of the Letters Patent, re-granting the property in free and common soccage. The present practice is to have the value ascertained by the Commissioner of Crown Lands.

To the 10th.—There are a number of *arrière fiefs* in each Seignior; their extent, and the proprietors, are properly designated in the *aveu et dénombrement* furnished to the *Papier-Terrier* of the King's Domain in ancient times, which with great labor could be ascertained by reference to the old records, previous to the conquest; but none of these show the dates of the respective grants.

Since the Conquest very few *aveux et dénombremens* have been received, and those chiefly from some of the communities; none of those formally entered and signed are much later than 1782, one, I believe, in 1799; from that date to my appointment to the office in 1828, there is no record of any in my office; since then a very few of the Seigniors have transmitted *aveux et dénombremens* ready prepared, which being unaccompanied by a plan, or any means of ascertaining their correctness, have never been admitted or recorded, and are not noticed in the return made. The undersigned has no means of knowing who are the present possessors of *arrière fiefs* or who are their agents.

(Signed,)

F. W. PRIMROSE,  
I. G. Q. D.To J. E. TURCOTTE, Esquire,  
Secretary, &c. &c. &c.Appendix  
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4th October.

Appendix (F.)  
4th October.

STATEMENT IN ANSWER TO THE FIRST FOUR QUESTIONS.

Names of Seigniories.	Where situated.	Original Concession, by whom granted, and to whom.	Proprietors, in 1842.	Last Fealty and Homage and by whom.	Last Act and Dénombrement, and by whom.
Anse au Coq	District of Quebec.	Mr. de Frontenac and de Champigny to the Sieurs Rivierin Hayeur, 22d September, 1697.	Representatives of Joseph Drapeau, Souffrance 18th June, 1829.	Representatives Joseph Drapeau, Souffrance 18th June, 1829.	M. Sarrazin 28th March, 1726.
Anse de L'Etang	Do.	Mr. Talon to Sr. de Compiègne, 10th October, 1672.	John Fraser, Esquire, Quebec.	Mr. Sarrazin, 20th March, 1725.	M. Sarrazin 28th March, 1726.
Antaya.	District of Three Rivers.	Promise of Concession by Mr. Duchesneau to Sr. Duillebot, 7th June, 1680, confirmed by Letter of the Comte de Maupas to Messrs de Beauharnois and Hocquart, 6th May, 1732.	Representatives of Sir John Johnson, Baronet.	Mr. Janton D. Dauphiné, 13th February, 1781.	
Argenteuil	District of Montreal.	Messrs. de Beauharnois & Hocquart to Madame Veuve François Aubert, 24th September, 1736.	George Poyer, Quebec.	P. L. Faut, 21st May, 1791.	
Aubert Gallion	District of Quebec.	Messrs. de Beauharnois & Hocquart to Sieur Aubin de L'Isle, 24th September, 1736.		George Poyer, 9th June, 1817.	
Aubin de L'Isle	Do.	Donation by Mr. de Lafertay, 13th March, 1639.		Honorable J. Gaspé Chaussegros de Léry, 28th February, 1781.	Pères Jésuites, 12th December, 1781.
Batisseau	District of Three Rivers.	Messrs. Lefèvre de la Barre and de Meubles to Sr. Jacques Lefèvre, 4th September, 1683.	The Crown, Antoine Lemire, part.	Honorable J. Gaspé Chaussegros de Léry, 28th February, 1781.	
Bâie St. Antoine	Do.	The Company of New France to Sr. Cheffault de la Regnaudière, 15th January, 1686.	Messes Marie Joseph and Louise Lozeau,	Pères Jésuites 12th December, 1781.	
Béaupré, Côte de.	District of Quebec.	His Most Christian Majesty to the Marquis de Beauharnois and Claude de Beauharnois, 12th April, 1729 and 14th June, 1730.	François Dupuis, fils, part.	1781—Antoine Lemire, part.	René Lefèvre, 21 June, 1723.
Beauharnois (Villedaube).	District of Montreal.	The Company of New France to Robert Giffard, 15th January, 1634, and Mr. de Louzon to do. 31st March, 1683.	Seminary of Quebec.	14th March, 1812—Messes Lozeau, 25th May, 1829.	Seminary of Quebec, 11th July, 1782.
Beauport	District of Quebec.	His Most Christian Majesty to the Marquis de Beauharnois and Claude de Beauharnois, 12th April, 1729 and 14th June, 1730.	Right Hon. Ed. Elice, 15th April, 1830.	George Poyer, 9th June, 1817.	
Beaulac (part of Chambly)	District of Montreal.	Messrs. de Beauharnois & Hocquart to Daniel Liénard de Beaujeu, Junior 2d March, 1743.	Ant. N. J. Duchesnay	Honorable J. Gaspé Chaussegros de Léry, 28th February, 1781.	Ignace Quebureau de St. Denis, 1st June, 1725.
Beaujeu (or Lacolle)	Do.	M. Talon to Sr. de Beaumont, 3d November, 1672, Messrs. de la Borre and de Meubles do. 7th October, 1683, Messrs. de Vaudreuil & Begon to C. Couillard Sr. de Beaumont, 13th April, 1713.	William Yule, Widow of the Hon. Chas. de Salaberry and representatives, William Plenderleath Christie.	William Yule, 3d June, 1800.	
Beaumont	District of Quebec.	M. Talon to Sr. de Beaumont, 3d November, 1672, Messrs. de la Borre and de Meubles do. 7th October, 1683, Messrs. de Vaudreuil & Begon to C. Couillard Sr. de Beaumont, 13th April, 1713.		Widow of Salaberry, Souffrance, 18th June, 1829.	
Béancour (part Fief Bruy-ères)	District of Three Rivers.	The Company of New France to Sr. de Repentigny, 16th April and 15th May, 1647, M. D'Argenson to do. 20th January, 1661.	Charles Grant.	W. P. Christie, 7th September, 1835.	
Béancour continued, Belair (or Ecuveuil)	District of Quebec.	M. Talon to Sr. Toupin, 3d November, 1672, Messrs. de Vaudreuil & Raudot to Mrs. de Motery widow Toupin, 20th January, 1706.	Ezekiel Hart.	Edouard Lorne and others, 12th June, 1835.	J. B. Descheneaux, 15th February, 1782.
Belair	Do.	M. Talon to Sr. de Vitre, 3d November, 1672.	Hon. C. W. Grant.	Hon. C. W. Grant, 20th May, 1841.	
Belœil	District of Montreal.	Messrs. de Frontenac and de Champigny to Joseph Hertel, Esquire, 18th January, 1694, Messrs. de Vaudreuil & Begon to Charles Lemoine Baron de Longueuil, 24th March, 1713.	Representatives P. Chicoine.	P. Chicoine, 27th February, 1781.	
Bellevue	Do.	M. Talon to Sr. de Vitre, 3d November, 1672.			

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Beauvais (part of St. Jean D'Eschailion)	District of Quebec	M. Talon to Sr. Berthier, 29th October, 1672.	Hon. Jos. G. Chaussegros de Léry, 28th February, 1781.	Pères Jésuites, 12th October, 1781.	Hon. John Stewart, Quebec.
Berthier (or Bellechausse)	Do.	M. Talon to Sr. Roulin, 29th October, 1672.	General Hospital.		
Berthier	District of Montreal.	M. Talon to Sr. Roulin, 29th October, 1672, M. de Frontenac to Sr. Berthier, 27th April, 1674, Mr. de Frontenac & Duchesneau to Sr. Berthier, 25th March, 1677, Messrs. de Beauharnois & Hocquart to Pierre L'Etage, 31st April, 1732.	Ross Cuthbert.	Jacques Lemoine de Martigny, 13th June, 1829, A. Massue, 27th May, 1835.	
Bis	District of Quebec	M. de Frontenac to Sr. de Vitre, 6th May, 1675.	Archibald Campbell, Esquire, Notary, Quebec.	A. Campbell, 21 May, 1823.	
Bleury	District of Montreal.	Messrs. de Frontenac & Hocquart to Sr. Sabrevois de Bleury, 30th October, 1750.	William Plenderleath Christie.	W. P. Christie, 7th November, 1835.	
Bonhomme (or Belair)	District of Quebec.	Messrs. de la Barre & de Meubles to Guillaume Bonhomme, 24th November, 1682.	The Crown.		
Bonsecours	District of Montreal.	Messrs. de Colliers & Bochart to Sr. Charon, 8th August, 1702.	Aimé Massue, Esquire.	Aimé Massue, 2d July, 1834.	
Bonsecours	District of Quebec.	The Marquis de Denonville & Champigny to Mathieu Amiot de Villeneuve, 16th April, 1687.	J. B. Noel.	J. B. Noel, 4th March, 1814.	
Bourchemin	Do.				
Bourchemin	District of Montreal.	M. de Frontenac to Sr. de Bourchemin de l'Hunritière, 20th June, 1695.	Jacques Lemoine de Martigny, one half, Aimé Massue one half.	J. F. Belanger, 20th February, 1739.	
Boucher	District of Three Rivers.	M. de Lauzon to Pierre Boucher, 5th August, 1656.		Ant. Duguay & Duplessis, 9th November, 1802.	
Boucherville	District of Montreal.	M. Talon to Sr. Boucher, 3rd November, 1672.	Pierre Amable de Boucherville, part. Paul Veilbrenner, part.	P. A. Boucher de Boucherville, 28th May, 1829.	
Boung Louis	District of Quebec.	M. de Beauharnois & Hocquart to Sr. Louis Fournel, 14th May, 1741.	Dame Josephine Boucher de Broquerie, widow of Charles Boucher de la Bruère. Thomas René Boucher de Boucherville.	P. Wailbrenner, 15th July, 1836.	
Bourg Marie, l'Est.	District of Montreal.	Messrs. de Vaudreuil & Raudot to Marie Joseph Fezeret, 1st August, 1708.	Langlois, one half. Panet one half.	A. Panet, 28th May, 1781.	
Bourg Marie, l'Ouest.	Do.	Messrs. de Vaudreuil & Raudot to Marie Joseph Fezeret, 1st August, 1708.	Jonathan Wurtele.	Jonathan Wurtele, 19th March, 1836.	
Cap de la Magdeleine	District of Three Rivers.	Messrs. de Vaudreuil & Beauharnois to Jean Sicard, Sr. de Carufel, 21st April, 1705.	Aimé Massue.	Aimé Massue, 27th May, 1835.	Pères Jésuites, 12th December, 1781.
Carufel	Do.	Messrs. de Meza & Laval to Etienne Pezard, Sieur de la Fouché, 8th April, 1664.		P. & A. Duchesnay, 19th March, 1781.	
Champlain	Do.	Messrs. de Frontenac & Champigny to the widow de la Fouché, 28th April, 1697.	Hon. M. Bell and Representatives Munro.	Joseph Drapeaux, 12th May, 1789.	Widow de la Fouché, 4th March, 1738.
Chambly	District of Montreal.	M. Talon to Sr. de Chambly, 29th October, 1672.	Hon. Samuel Hatt, part.	Hon. Samuel Hatt, 25th September, 1829.	J. B. Boucher, Sr. de Niverville, 12th June, 1723.
Chambly, continued.	Do.		F. Bender.	F. Bender, Souffrance 18th June, 1829.	
Chateaugay	Do.	M. de Frontenac to Sr. de Longueuil, 29th September, 1763.	Hopital Général de Montréal.	Hopital Général de Montréal 27th February, 1781.	
Chicot and Isle du Pas.	Do.	M. Talon to Sr. Dupas, 3rd November, 1672.	Mrs. Thérèse Dubord, widow François Eno.	Widow Eno, 3rd March, 1834.	
Contrecoeur	Do.	M. Talon to Sr. de Contrecoeur, 29th October, 1672.	Joseph Archambault, part.	Jos. Archambault, 31st October, 1829.	
Coulonge	District of Quebec.	The Company of New France to Sr. D'Allebout, 9th April, 1657.	F. X. Malliot, part.	Seminary of Quebec, 19th March, 1781.	Seminary of Quebec, 11th July, 1782.
Cournoyer	District of Montreal.	Messrs. de Frontenac & Champigny to Jacques Hertel, Sr. de Cournoyer, 1695.	Hon. P. D. Debartzch.	Ant. Lefèvre Bellefeuille, 24th December 1781.	
Courval	District of Three Rivers.	Messrs. le Marquis Duquesne & Bigot to Sr. Cressé, 25th September, 1754.	Moses Hart.	Louis Gouin, 28th June, 1804.	

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STATEMENT IN ANSWER TO THE FIRST FOUR QUESTIONS.—Continued.

Names of Seigniories.	Where situated.	Original Concession, by whom granted, and to whom.	Proprietors in 1842.	Last Fealty and Homage, and by whom.	Last Act and Dénombrement, and by whom.
D'Aillebont	District of Montreal	Messrs. de Beauharnois & Hocquart to Sr. D'Aillebont, 6th October, 1736.	P. L. Panet and Sisters.	P. L. Panet, 28th May, 1829.	
D'Auré	Do.	The Company of New France to Jean Bourdon, 23rd March, 1658 and 1647 Messrs. de Beauharnois & Hocquart to Jean Bic Neveu, 4th July, 1739.	Representatives Jacques Cuthbert.	Jacques Cuthbert, for 5-8ths, 26th January 1781. J. A. Neveu, 23rd February, 1781.	
D'Auteuil	District of Quebec	Messrs. de Frontenac & de Champigny, to François Magleleine Ruelle, Sr. d'Auteuil.	Representatives George Allsopp	George Allsopp, 15th June, 1781.	
De Léry	District of Montreal	Messrs. de Beauharnois & Hocquart to Sr. Chaussegros de Léry, 1733.	William Plenderleith Christie.	W. P. Christie, 7th November, 1825.	
De Maure. (St. Augustin.)	District of Quebec	.....	Hotel Dieu of Quebec	Hotel Dieu of Quebec, 19th March, 1781.	Hotel Dieu of Quebec, not signed or dated, 1782 to 1773—9th January, 1743.
De Ramessay	District of Montreal	Messrs. de Beauharnois & Hocquart to Dame Genevieve de Ramessay, widow of de Bois Hébert, 6th October, 1736.	P. L. Panet, Esquire, & Sisters.	P. L. Panet, Esquire, 26th May, 1829.	
De Ramessay	Do.	Messrs. de Vaudreuil & Raudot to Sr. de Ramessay, 17th October, 1710.	Hugues Lemoine de Martigny.	H. Lemoine de Martigny, 13th June, 1829.	
Deschambault	District of Quebec	The Company of New France to François de Chavigny and his wife, 4th December, 1640.	Hon. Sir James Stuart, Baronet.	Hon. Henry Black, 10th January, 1832.	
Desplaines. (or Belle-pleine.)	Do.	Messrs. de Beauharnois & Hocquart 26th March, 1738, to Miss Charlotte Legardeur.	J. B. Noël	J. B. Noël, 4th March, 1814.	
Dumontier	District of Three Rivers	To Sieur Dumontier, 24th October, 1708.	Representatives Hon. L. Gagy.	Hon. L. Gagy, 30th January, 1817.	Conrad Gagy, 11th July, 1782.
Dorvilliers	Do.	M. Talon to Messrs. Sevre & Lanauière, 29th October, 1672.	.....	P. F. Choret Dorville, 10th February, 1781.	F. C. Dorville, 6th March, 1788.
Du Sablé. (dite la Nouvelle York)	District of Montreal	Messrs. de Beauharnois & Hocquart to Louis Adrien Donloneau, Esquire, du Sablé, Confirmation 17th April, 1840.	James Cuthbert.	Jacques Cuthbert, 26th January, 1781.	
Duguet	District of Quebec	.....	J. E. Noël	Jean Baptiste Noël, 4th March, 1814.	
Durantage † (St. Valier)	Do.	M. Talon to Sr. de la Durantage, 29th October, 1672. Messrs. de Frontenac & de Champigny to Sr. de la Durantage, 1693.	Fra. Baby, A. O. Terrion de Lanauière, widow F. Baby. The Messrs. de Lanauière, J. R. Baby, Jos. Baby, Cath. Baby, Mrs. Selby, M. A. Baby, T. A. Young and representatives of Mrs. Young and J. T. Baby.	F. Baby and others, 15th January, 1830.	
Dutort.	District of Quebec	Messrs. LaFerre de la Barre & de Meubles to Pierre Lessard, 1st April, 1683.	M. P. de Sales Laterrière.	M. P. de Sales Laterrière, 28th May, 1829.	
Eboulemens	Do.	Comte de Frontenac and Champigny to Alex. Rouvret de Gardenville, 20th February, 693.	Representatives J. Duchesnay.	Mrs. Reubret, 1st August, 1725.	Mrs. Reubret, 2d August, 1725.
Fosambault	District of Montreal	Messrs. de Frontenac & Hocquart to Sr. Foucault, 3rd April, 1733.	John Donegani.	John Donegani, 16th November, 1829.	
Foucault (Manor Ganache Gaspé)	.....	.....	.....	Charles Rivetin, 2d June, 1781. Ignace Aubert Sr. de Gaspé, 23d February, 1781.	
Gatineau	District of Three Rivers	M. Talon to Sr. Boucher de Boucheville, 3d November, 1672.	Representatives of the widow Nicolas Montour	Widow Montour, 8th May, 1830.	Louis Gatineau, 25th February, 1723.

Gatineau, Augmentation of (Fief Robert.)	District of Three Rivers	Messrs. le Marquis de Jonquière & Bugot to Miss M. J. Gatineau Duplessis, 1st November, 1749.	James Johnston, Esquire, 15th November, 1830.	James Johnston, Esquire, 15th November, 1830.	
Gaultherie	District of Quebec	M. de Lauzon to M. de la Cité. 8th February, 1683, and 16th December, 1683	Representatives Michel J. Duchesnay.	Mrs. Reubret, 1st August, 1725.	Mrs. Reubret, 2nd August, 1725.
Gentilly	Do.	M. Duchesneau to Michel Pellecier, 14th August, 1676.	.....	Hon. J. S. G. Chaussegros de Léry, 28th February, 1781.	
Godefroy	District of Three Rivers	The Company of New France to Jean Godefroy, 1st December, 1637.	Mises Marie Josephite & Louise Lozeau.	Misses Lozeau, 25th May, 1829.	René Godefroy, 8th June, 1723.
Le Gouffre	District of Quebec	.....	Representatives of Joseph Drapreau, Souffrance, 18th June, 1829.	Representatives Joseph Drapreau, Souffrance, 18th June, 1829.	
Grand Fabos	Do.	Messrs. de Frontenac & Champigny to René Hubert, 14th November, 1696.	Felix Stewart, Martha Sophia O'Hara, Jane Baird O'Hara, wife of John Douglas McConnell, and Mar. Charlotte O'Hara, wife of the Revd. W. Arnold.	Felix Stewart and others, 16th April, 1836.	René Hubert, 26th June, 1724.
Grandpré	District of Three Rivers	Messrs. de Frontenac & Champigny to René Boucher, Sieur de Grandpré, 3d January, 1695.	Hon. Louis Gagy, 30th January, 1817.	Hon. Louis Gagy, 30th January, 1817.	
Grande Rivière	District of Quebec (Gaspe)	Messrs. de Frontenac & Champigny to Jacques Cocher, 31st May, 1697, Messrs. de Jonquière & Bugot to the heirs of Jacques Cocher, 15th October, 1750.	James, Philip & John Robin, Esquires.	Messrs. Robin, 15th October, 1828.	
Grande Vallée des Monts	District of Quebec	Messrs. de Frontenac & Champigny to Sr. Heyfeur, 23rd March, 1691.	.....	Michel Sarrazin, 20th March, 1725.	Michel Sarrazin, 28th March, 1725.
Grandines	Do.	The Company of New France to Sr. Duchesne d'Aiguillon, for the Ladies Hospitaliers of Quebec, December, 1637. M. Talon to the Poor of the Hospital at Quebec, 3rd November, 1672.	Peter Burnet.	Aug. Hamelin and others, 15th June, 1781.	
Grosbois	Do.	M. Talon to Sr. Boucher, 3rd November, 1672.	Representatives Hon. L. Gagy, one half.	Hon. L. Gagy, 30th January, 1817. Charles Lesueur and others, 31st May, 1781.	Conrad Gagy, 11th July, 1782.
Gullauière	District of Montreal	.....	.....	Widow Joseph Hertel, 2nd August, 1781.	
Hubert	District of Quebec	.....	Olivier Eugène Casgrain.	C. G. Casgrain, Souffrance, 18th June, 1829.	
Islet St. Jean	Do.	.....	Olivier Eugène Casgrain.	C. G. Casgrain, Souffrance, 18th June, 1829.	
Islet Bonsecours	Do.	.....	A. L. Fraser, 15th July, 1830.	A. L. Fraser, 15th July, 1830.	Marie Anne Beaud de Granville, 12th March, 1725.
Islet du Portage	Do.	M. Talon to Sr. de Granville, 29th October, 1672. Messrs. le Marquis de Vaudreuil & Raudot to Marie Anne Granville, veuve de Soulange, 5th October, 1807, and Messrs. de Buade & Bochart to Pierre Becard de Granville, 2nd June, 1696.	Louis Bertrand & Barthelémy Coté.	L. Bertrand & B. Coté, 25th May, 1829.	
Isle Verte	Do.	Messrs. de Denonville & de Champigny to Messrs. d'Arigny & Lachenaie, 5th April, 1689. Messrs. de la Barre & de Meulles to Sr. de la Cardonnière & d'Arigny, 27th April, 1684.	Marie Anne Boulé, part.	Marie Anne Boulé, 13th August, 1829.	
Isle Perrot	District of Montreal	M. Talon to Sr. Perrot, 29th October, 1672.	M. D'Aoust, part.	Mrs. Félix Lecluc, widow M. Clement, 20th October, 1832.	
Isle Bizard	Do.	Messrs. de Frontenac & Duchesneau to Sr. Bizard, 24th and 25th October, 1678.	Representatives P. Foretier.	Pierre Foretier, 3rd February, 1781.	Pierre Foretier, 2nd August, 1781.
Isle aux Oies	District of Quebec	.....	Hotel Dieu of Quebec	Hotel Dieu of Quebec, 19th March, 1781.	Hotel Dieu of Quebec.
Isle St. Paul	District of Montreal	M. Duchesneau to Sr. Lebut, 23rd April, 1700. M. Duchesneau to Claude Robit, 18th July, 1676.	Congrégation de Montréal.	Congrégation de Montréal, 13th August, 1829.	Congrégation de Montréal, 25th September, 1736.
Isle aux Grues. Isle aux Oies. (Petite)	District of Quebec	The Company of New France to M. de Martigny, 5th May, 1646.	Representatives Daniel McPherson.	Daniel McPherson, 31st July, 1805.	
Isle de Montréal	District of Montreal	Letters Patent of Her Most Christian Majesty to the Seminary of St. Sulpice, May, 1677, confirmed by Letters Patent, July 1714.	Seminary of Montreal	Seminary of Montreal, 3rd February, 1781.	Seminary of Montreal, 2nd August, 1781.
Isle Jésus	Do.	Messrs. de Caillière & Bochart, to the Seminary of Quebec, 3rd October, 1699.	Seminary of Quebec	Seminary of Quebec, 19th March, 1781.	Seminary of Quebec, 11th July, 1782.



STATEMENT IN ANSWER TO THE FIRST FOUR QUESTIONS—Continued.

Names of Seigniorities	Where situated	Original Concession, by whom granted, and to whom.	Proprietors in 1842.	Last Vexal and Homage, and by whom.	Last Area and Décombrement, and by whom
Martinière	District of Québec	Messrs de Frontenac and Bechart to Mr. Claude Borcen de la Martinière, 30th August, 1672, Messrs. de la Gallessonnière and Bigot to ditto, 18th June, 1740.	.....	Alex. Fraser, 27th February, 1781.	.....
Mille Isles	District of Montreal	Messrs de Vaudreuil & Begon to Gaspard Prof, Sieur de Lanoussière and M. Petit, 30th March, 1714.	Mr. Claus and children, part. J. D. Lacroix, Esquire part. Representatives Dumont.	Mr. Claus 25th May, 1829 J. D. Lacroix, 16th November, 1829. E. L. Dumont, Esquire, 17th September, 1781. Messrs. Greenshields & Weir, 9th October, 1837. Mary Stuart & others, 9th October, 1832.	A. Paterson, Esquire, Québec. Hon. John Stewart, Québec.
Mille Vaches	District of Québec	Mons. de Lauzon to Robert Giffart, 15th November, 1653.	John Greenshields & James Weir, Esquires, for one-sixth part, & W. Taylor, P. Short, one-third	Messrs. Greenshields & Weir, 9th October, 1837. Mary Stuart, James T. S. Stuart & W. Taylor, P. Short, 9th October, 1837. Hon. J. R. Rolland, 16th November, 1829.	A. Paterson, Esquire, Québec. Hon. John Stewart, Québec.
Minjau, Terre ferme of	Do	The West India Company to François Bigot, Sieur de la Rivière, 23rd February, 1661.	John Greenshields & James Weir, Esquires, one-fourth, Mary Stuart, James T. S. Stuart & W. Taylor, P. Short one-fourth.	.....	.....
Monnoir	District of Montreal	Messrs. de Vaudreuil & Ranlot to Sieur de Ramsay, 25th March, 1708.	Hon. J. R. Rolland	.....	.....
Monnoir, continued	.....	Messrs. de Beauharnois & Hocquart to the Messrs de Ramsay, 12th June, 1720.	Representatives A. Fraser	Alex. Fraser, 27th February, 1781.	.....
Montapaine (or Vitre)	District of Québec	Messrs. de la Barre & de Meulles to M. Charles Denys, Sieur de Vitre, 23rd September, 1683.	François P. Bruneau, Esquire, Montreal.	Henri Desrivères & F. P. Bruneau, 27th September, 1830.	René Boucher de Lavinière not signed or dated, 1782.
Montarville	District of Montreal	Messrs. le Marquis de Vaudreuil & Raulot to Pierre Boucher de Boucherville, 17th October, 1810.	John Malcolm Fraser	J. M. Fraser, 5th May, 1822.	Louis Gosselin, 10th May 1725.
Mount Murray	District of Québec	Governor James Murray to Malcolm Fraser, 7th April, 1762; and Letters Patent confirming the same, dated.	.....	.....	.....
Mont Louis	Do	His Most Christian Majesty to Etienne Magreux and Nicolas Bernicot, (date unknown)	Hon. M. Bell	Hon. M. Bell, 13th May, 1830.	.....
Murray Bay	.....	M. de Lauzon to Jean Bourdon, 15th December, 1653.	Ebouard Larue & Adélaïde Labrière his wife, five-sixths. Edouard Narcisse de Lorimier & Adélaïde de Lorimier, one-sixth.	.....	.....
Neuve, or Pointe aux Trembles	Do	M. de Lauzon to Jean Bourdon, 15th December, 1653.	.....	.....	.....
Nicolet	District of Three Rivers	M. Talon to Sieur de Labrin, 29th October, 1672. Messrs de Frontenac & Duchesneaux to Michel Cresse, 4th November, 1680.	K. C. Chandler, Esquire, five-sixths. Joseph Boncher, Chevalier de Niverville, one-sixth.	Ed. Larue & others, 12th June, 1835.	J. B. Deschenaux, 25th February, 1782.
Niverville	Three Rivers	The Company of New France to Jacques Leneuf, Sieur de la Pointe, 7th April, 1686.	.....	.....	.....
Notre Dames des Anges	District of Québec	M. Le Duc de Vaudreuil to the P. Jésuites, 10th March, 1636.	The Crown	.....	.....
Nouvelle Longueuil	District of Montreal	Messrs. Le Marquis de Beauharnois & Hocquart to Joseph Leinout, Chevalier de Longueuil, 21st April, 1731.	Jacques Ph. Saveuse de Beaujeu, 1829.	J. P. S. De Beaujeu, 13th August, 1829.	.....
Noyan	Do	Messrs. de Beauharnois & Hocquart to Sr. Chauvas de Noyan, 8th July, 1713.	William Plenderleath Christie	W. P. Christie, 7th November, 1835.	.....
D'Orsainville	District of Québec	Letters Patent of His Most Christian Majesty, in favor of M. Talon May, 1675.	Hôpital Général of Québec	Hôpital Général of Québec, 21th April, 1781.	P. Jésuites, 12th December, 1781. Chevalier de Longueuil, 25th February, 1782.

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Perthuis	District of Québec	Messrs. Duquesne & Bigot to Mr. Perthuis, 11th October, 1753.	.....	.....	.....
Petite Nation	District of Montreal	The West India Company to Messire F. De Laval, Evêque de Québec, 16th May, 1674.	Louis Joseph Papineau	Hon. Jos. G. Chaussegros de Léry, 28th February, 1781. L. J. Papineau, 24th April, 1818.	.....
Pierreville	District of Three Rivers	Messrs. de la Barre & de Meulles to Laurent Philippe, 3rd August, 1683.	.....	Widow Joseph Hertel, 2nd August, 1781. Widow Nicolas Montour, 8th May, 1830.	.....
Pointe du Lac, or Tonnan- cour.	Do	Mr. de Courcelles to the Sieur de Normanville, 10th July, 1670. and Mr. Talon to the Sieur de Normanville, 3rd November, 1672. Mr. de Frontenac to the Sieur de Normanville, 13th September, 1674. P. Boudier Sieur de Grosbois, in behalf of Mr. de Lauzon to Jean Sauvaget, and ratified by him 2nd August, 1666; and Messrs. de Beauharnois & Hocquart to René Godefroy, Sieur de Tonnancour, 3rd November, 1734.	Representatives of Mrs. Genevieve Wills, widow of Nicolas Montour, Esquire.	.....	.....
Pointe à l'Original	Upper Canada	.....	.....	.....	.....
Portneuf or Cap Santé	District of Québec	Letters Patent of His Most Christian Majesty, in favor of Sieur Robineau de Bécancour, March, 1681.	.....	.....	.....
Québec	Do	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
Repentigny	District of Montreal	Mr. de Lauzon to the Fabrique, 15th July, 1655. 20th May, 1656.	.....	.....	.....
Rigaud	Do	The Company of New France to Pierre Legardeur, Esquire, Sieur de Repentigny, 16th April, 1647.	William Plenderleath Christie.	W. P. Christie, 7th November, 1835.	.....
Rimouski	District of Québec	Messrs. de Beauharnois & Hocquart to Pierre Rigault, Seigneur de Cavagnac, and Pierre François Rigault, 29th October, 1752.	William Plenderleath Christie.	Mr. de Lotbinière, 23rd February, 1781.	Mr. de Lotbinière, 11th July, 1782.
Rivière David (Deguire)	District of Three Rivers	Messrs. de Jonquière & Bigot to Joseph Deguire dit Derosier, 4th September, 1751.	Representatives of Joseph Drapeau, souf- franc, 18th June, 1829.	.....	.....
Rivière du Loup	Do	Messrs. de la Barre & de Meulles, to Jean Lechasseur, 20th April, 1683.	Jonathan Wurtelle	Jonathan Wurtelle, 19th March, 1836.	.....
Rivière du Loup	District of Québec	The West India Company to Sieur François Dionis, 15th Novr. 1673. Ditto to Daulier Duparc, 23rd December, 1673. Ditto to Sieur Aubert de la Chenaye, 13th December, 1673. Messrs de Denonville & de Champigny, to the Sisters d'Arigny and de la Chenaye, 5th April, 1689.	.....	.....	.....
Rivière du Sud	Do	The Company of New France to Mr. de Montmagnie, 5th May, 1646. Messrs. de Callières and Bochart to Sieur de l'Epiney, 7th April, 1701.	Representatives of Alex. Fraser, Esquire	.....	.....
Rivière Ouelle	Do	Mr. Talon to Mr. de la Boutellerie, 29th October, 1672. Messrs. de la Jonquière and Bigot to Mrs. Genevieve de Ramsay widow of Sr. de Boishebert, 20th October, 1750.	.....	.....	.....
Roquetaillade	District of Three Rivers	Mr. de Frontenac to Pierre Godefroy de Roquetaillade, 22nd April, 1675.	.....	.....	.....
Rouville	District of Montreal	Messrs. de Frontenac and de Champigny to J. B. Hertel de Rouville, 19th January, 1694.	J. B. Hertel Dupuis, part, representatives Michel Blais, part	J. B. Couillard Dupuis, 12th December, 1823.	Michel Blais, 17th October, 1777.
Sabrevois	Do	Messrs. le Marquis de la Jonquière and Bigot to Sieur de Sabrevois, 1st October, 1750.	.....	.....	.....
Ste. Anne de la Péraide	.....	Mr. Talon to Sieur de Lanaudière, 29th October, 1672. Messrs. Buade and Bochart to the widow Lanaudière, 4th March, 1697.	Representatives Hon. John Hale	Hon. J. Hale, 23rd December, 1819	Mr. de Lanaudière, not signed or dated, 1782 to 1799.
Ste. Anne de la Péraide, con- tinued.	.....	Messrs de Buade and Bochart to the widow of Lanaudière, 6th April, 1697. Messrs de Callières and Bochart to Pierre Thomas Tarrieu, Sieur de la Péraide, 30th October, 1700. Messrs. de Beauharnois and Hocquart to ditto, 23th April, 1735.	.....	.....	.....
Ste. Anne	District of Three Rivers	Messrs. de Vaudreuil and Raulot to Marie Magdeleine de Chavigny 24th October, 1711.	.....	.....	.....

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STATEMENT IN ANSWER TO THE FIRST FOUR QUESTIONS—Continued.

Names of Seigniories.	Where situated	Original Concession, by whom granted, and to whom.	Proprietors in 1842.	Last Fealty and Homage and by whom.	Last Act and Denombrement, and by whom.
St. Anne aux Monts	District of Quebec.	M. Talon to Marie Anne Taschereau widow de la Combe, 29th October, 1672.	J. Le Pontillier.	Hon. A. Dionne, 19th March, 1836.	
St. Anne de la Pénitence	Do	M. Talon to Sr. de Villieu, 29th October, 1672.	Hon. A. Dionne.	J. Bte Noël, 14th March, 1814.	
St. Antoine (Tilly)	Do	Messrs de Frontenac and Hocquart to Nicholas Rivet, 23rd September, 1748.	Representatives Hon. Thomas Dunn.	Hon. Thomas Dunn, 12th May, 1789.	
St. Armand	District of Montreal.				
St. Barnabé	District of Montreal.				
St. Charles	Do	Messrs de Callières and Bochart to René Fizeret, 14th August, 1701.	Aimé Massue	Aimé Massue, 2nd July, 1834.	
St. Charles	Do	The Company of New France to the Ursulines, 16th January, 1677, confirmed by Mr. de Lauzon, 6th March, 1682.	Ursulines of Quebec	Ursulines of Quebec, 21th April, 1781.	Ursulines of Quebec, not signed, 31st May, 1737.
St. Croix	District of Quebec.	Messrs de Frontenac and Duchesneau to Marie Anne Taschereau widow de Lacombe, 10th March and 5th July, 1677.	Hon. A. Dionne	Hon. A. Dionne, 19th March, 1836.	
St. Denis	Do	Mr. de Frontenac to Sr. Taschereau, 12th May, 1677.	François Elzabeth	F. Elzabeth, 2nd March, 1812.	
St. Denis	Do	Messrs de Frontenac & de Champligny to Louis Degraignes, Sieur de Falaise, 24th September, 1691.		Joseph Louchet, Sr de Montainville, 7th February, 1781.	Mrs Marie Perault de Contreleur, 12th June, 1745.
St. Denis	District of Montreal.	Messrs de Beauharnois and de Rouville to Mr. François Thérèse Cugnet, 15th April, 1737.		F. G. Cugnet, 12th January, 1781.	P. G. Cugnet, 12th January, 1781.
St. Étienne	District of Quebec.	Messrs de Frontenac and Duchesneau to Sieur Crevier, 3rd and 10th October, 1678.	Louis Proulx	Louis Proulx, 7th March, 1817.	
St. François	District of Three Rivers.	Messrs de Frontenac and Bochart to François Hertel, Sieur de la Frénière, 1st March, 1695.	Hon. P. D. Dabritzsch.	André Winkelff, 31st October, 1833.	P. Jésuites, 12th December, 1781.
St. François le Neuf (St. Charles)	District of Montreal.	The Company of New France to Robert Giffart, 16th April and 15th May, 1617.	The Crown	Alex. Fraser, 25th October, 1781.	
St. Gabriel	District of Quebec.	Messrs de Beauharnois and Hocquart to Sieur Gilles Raget de Beauvillage, 1st April, 1739.	Representatives Walter Davidson.	Hyacinthe Simon Delorme, 24th January, 1744.	
St. Gilles	Do	Messrs de Beauharnois and Hocquart to Pierre François Rigaud, Seigneur de Vaudreuil, 23rd September, 1718.	Representatives Hyacinthe Simon Delorme.	Hotel-Dieu of Quebec, 19th March, 1781.	Hotel-Dieu of Quebec, (not signed or dated) 1782 to 1799—1st June, 1739.
St. Hyacinthe	District of Montreal.		Hotel-Dieu of Quebec		
St. Ignace	District of Quebec.	Mr. de Lauzon to the Hotel-Dieu, 20th August, 1653.	Ursulines of Three Rivers	Ursulines of Three Rivers, 3rd February, 1781.	
St. Jean	District of Three Rivers.	Messrs de Callières and Bochart to the Ursulines of Three Rivers, 13th October, 1701.	Ursulines of Three Rivers	Hon. P. R. de St. Ours, 28th May, 1781.	
St. Jean d'Eschallons	Do	Mr. de Frontenac to Sr. de St. Ours, 25th April, 1674.	Representatives Hon. Charles de St. Ours	Hon. Charles de St. Ours, <i>soy-f.</i> 1781.	
St. Jean Port Joli	District of Quebec.	Messrs de Frontenac and Hocquart to Noël Langlois, 25th May, 1677.	Representatives of Hon. Jean de Gaspé and Mrs. de Gaspé	Mrs. Tardieu de Lanaudière, widow of the Hon. Ignace A. de Gaspé, 19th March, 1832.	
L'Isle à la PEAU.	Do	Messrs de Frontenac and Duchesneau to Marie Anne Taschereau, widow Lacombe, 5th July, 1677.	Do	Do	Mr. d'Antouil de la Molle, 5th March, 1723.
St. Joseph	Do	C. W. Talon to Sieur Fournier, 3rd November, 1672.	Charles Bossé	Charles Bossé, 17th May, 1831.	
St. Joseph	Do	Le Duc de Vantadour to Louis Hebert, 26th February, 1626.	Mary Stuart, James T. S. Stuart, and W. Taylor, P. Short, part. —Hospital Général of Quebec.—Hotel-Dieu Quebec.	Mary Stuart and others, 9th October, 1837.	Hon. John Stewart, Quebec

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Names of Seigniories.	Where situated	Original Concession, by whom granted, and to whom.	Proprietors in 1842.	Last Fealty and Homage and by whom.	Last Act and Denombrement, and by whom.
St. Joseph (de la Nouvelle Beauce)	Do		J. J. Taschereau, Esquire, Quebec, part, representatives La Gorgnière.	Gal. Elz. Taschereau, 6th February, 1781.	
St. Marguerite	District of Three Rivers.	Messrs de Frontenac and Champligny to Jacques Dubois, 27th July, 1691.	Moïse Hart.	Mr. de Niverville, 6th February, 1781.	
St. Marie et de (Linière) de la Nouvelle Beauce.	District of Quebec.	Messrs de Beauharnois and Hocquart to Mr. Thomas Jacques Taschereau, 23rd September, 1736.		G. Elz. Taschereau, 6th February, 1781.	
St. Maurice	District of Three Rivers.				
St. Michel	District of Quebec.	The Company of New France to Sieur de Tilly, 7th April, 1660, and Mr. Talon, 20th June, 1668.	The Crown.	Seminary of Quebec, 19th March, 1781.	Seminary of Quebec, 11th July, 1782.
St. Michel (half of Durantaye)	Do	Mr. Talon to Sieur de la Durantaye, 29th October, 1672.	Thomas Leger Launière, five-sixths, Ed. Naraisse Lorimier and Adélaïde de Lorimier widow Ducharme, one-eighth.	Thomas & L. Launière, 15th February, 1834.	J. B. Duchesneau, 25th February, 1782.
St. Ours	District of Montreal.	Mr. Talon to Mr. de St. Ours, 29th October, 1672, Mr. de Frontenac to do, 25th April, 1674.	Representatives Hon. Chs. de St. Ours.	Hon. P. R. de St. Ours, 28th May, 1781.	J. B. de St. Ours, 15th May, 1745, P. de St. Ours, 21st May, 1745, Mr. de Pecaud, 28th May, 1745, Mr. de Léry, 29th May, 1745, Mr. de la Poterie, 3rd June, 1745.
St. Paul	District of Quebec.	Messrs de Rignault and Randot to Amadore Godfroy, Sieur de St. Paul, 20th March, 1706.	Representatives Honorable J. Richardson and others, 5—18 Seminary of Montreal.	Hon. J. Richardson and others, 12th March, 1810.	Seminary of Montreal, 21st August, 1781.
Sault St. Louis (City of Quebec.)	District of District of Quebec.	Duc de Vantadour to Sieur Hebert. The West India Company to the Bishop of Quebec, 28th March, 1674. Messrs de Denonville and Champligny to the Seminary of Quebec, 29th October, 1687.	Seminary of Quebec.	Seminary of Quebec, 19th March, 1781.	Seminary of Quebec, 11th July, 1782.
Shoobred	District of Quebec.	Letters Patent by Lord Dorchester to John Shoobred, 24th July, 1788.	Mathew Stuart	Mathew Stuart, 26th October, 1815.	P. Jésuites, 12th December, 1781.
Sillery	District of Quebec.	Messrs de Callières and Bochart to the P. Jésuites, 23rd October, 1699.	The Crown.		
Sorel	District of Montreal.	Messrs de Callières and Beauharnois to Pierre Jacques de Joibert de Soulange, 23rd October, 1702.	The Crown.	J. P. S. de Beaujeu, 13th August, 1829.	Chev. de Longueuil, 25th February, 1782.
Terrebonne	Do	The West India Company to Sr. Dautier Daulandou, 23rd December, 1673, His Majesty to Sr. Louis Lepage de St. Clair, 10th April, 1731, and Messrs. Duquesne and Bigot to Louis Lacombe, Esquire, 11th April, 1753.	Hon. Joseph Masson.	Hon. Joseph Masson, 11th April, 1834.	Mr. de Lavaltrie, 18th December, 1781.
Trinité et St. Michel	Do	Mr. Talon to the Sieurs Lemoine and Messier de St. Michel, 3rd November, 1672.	Jacques Lemoine de Martigny.	Jacques L. de Martigny, 13th June, 1829.	Nicholas Rioux, 16th Feby., 1723.
Trois Pistoles	District of Quebec.	Messrs Le Marquis de Denonville and de Champligny to Sieur de Vité, 6th January, 1687; Messrs. Le Marquis de Jonquière and F. Bigot, 6th April, 1791.	Paul Rioux, part. Eloi Rioux, great part. The Crown, some small Fields leased by divers individuals.	Paul Rioux, 30th July, 1830.	Christophe Sanguinet, 25th August, 1777, Gas. Massue 30th October, 1777.
Three Rivers	District of Three Rivers.				
Varennes	District of Montreal.	Mr. Talon to René Gauthier Sieur de Varennes, 29th October, 1672.	Paul Lussier, part. Aimé Massue, part.	Paul Lussier, 17th June, 1829.	
Vaudreuil, (Rigaud de)	District of Quebec.	Messrs de Beauharnois and Hocquart to Sr. Pierre Rigaud de Vaudreuil, 23rd September, 1736.		Hon. Jos. G. Chaussegros de Léry, 28th February, 1781.	

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## STATEMENT IN ANSWER TO THE FIRST FOUR QUESTIONS—Continued.

Names of Seigniorities.	Where situated.	Original Concession, by whom granted, and to whom.	Proprietors in 1842.	Last Fealty and Homage, and by whom.	Last <i>Actes</i> and <i>Dénombrements</i> , and by whom.
Vaudreuil.....	District of Montreal....	Messrs. de Callières and Benuarmonis to Messire Philippe de Rigaud Chev. de Vaudreuil, 23rd October, 1702.	Hon. R. H. Harwood and Dame de Lotbinière, his wife.	Mr. de Lotbinière, 23d February, 1781.	Mr. de Lotbinière, 11th July, 1782.
Verchères.....	Do.....	Mr. Talon to the Sieur de Verchères, 29th October, 1673. Messrs. de Frontenac and Duchesneau to the Sieur de Verchères, 8th October, 1678.	Marie Adélaïde Trottier Desautiers. Widow Pierre L'Archevesque. Pierre Thomas de Boucherville. .....	Mrs. C. de Verchères, widow Hertel, and others, 28th May, 1781.	Mr. de Verchères, 12th January, 1777.
Vincelot.....	District of Quebec.....	Mr. Talon to Mrs. Geneviève de Chavigny widow Vincelot, 3rd November, 1672. Messrs. de Frontenac and Rocquart to Mr. de Vincelot, 1st February, 1683.	.....	Mrs. L'Archevesque and others <i>souff. avec</i> , 18th June, 1829. L. G. Vincelotte, Sieur de Haut Meul, 2d June, 1781.	
Vincennes.....	Do.....	Mr. Talon to Sieur Bissot, 3rd November, 1672.....	Representatives Joseph Roy... J. M. de Tonnancour.	Joseph Roy, 24th April, 1781.	
Yamaska.....	District of Three Rivers.	Messrs. de la Barre and de Meulles to the Sieur de la Valtrie, 24th September, 1683.		J. M. de Tonnancour, 8th May, 1830.	

10TH JUNE, 1842.

(Signed)

F. W. PRIMROSE,  
I. G. D. K.Appendix  
(F.)

4th October.

(Statement in Answer to the 5th and 6th Questions.)

## LIST OF SEIGNIORS WHO HAVE APPLIED FOR COMMUTATION OF TENURE.

Names.	Date of Report of the Inspector General of the King's Domain.	Seigniorly.	Whether carried through.*	Remarks.	
Right Honorable Edward Ellice, England.	18th November, 1831.	Beauharnois .....	Yes.	* The correctness of this column is not vouched for. (Signed) F. W. P., I. G. D. K. Quebec, 10th June, 1842.	
Gustave Joly, Esquire, <i>et ux.</i> Lotbinière.	20th June, 1835 .....	Part of Lotbinière, being augmentation granted by concession of 25th March, 1693.	Yes.		
Alexander Fraser, Esquire, (dead) ..	21st August, 1835 .....	Two-thirds of Fief Madawaska and Lake Temiscouata.	Unknown.		
John Greenshields and Father .....	11th February, 1836 .....	Rivière de la Magdeleine .....	Yes.		
James Weir, U.C. ....		Part of Fief Madawaska and Lake Temiscouata .....	Unknown.		
Mrs. Widow Sutherland, <i>et al.</i> (dead)	7th April, 1836 .....				
Henry George Forsyth, <i>et ux.</i> Quebec.	18th May, 1836 .....	Madapediac .....	Unknown.		
A. K. Johnson, <i>et ux.</i> U.C. ....					
James Leslie, <i>et ux.</i> Montreal. ....					
The Devises of John McKindley, of Edinburgh, (dead)					
Charles Joseph Chaussegros DeLéry, of Quebec.					
Louis René Chaussegros DeLéry, and Charles Chaussegros DeLéry, of Boucherville.	31st December, 1836 .....	Pertuis .....	Yes.		
Hon. M. Bell, Three Rivers .....	12th January, 1837 .....	Mont Louis .....	Yes.		
J. B. Hertel de Rouville, and Madame de Rouville veuve DeSalaberry.	4th April, 1837 .....	Lac Metis .....	Yes.		
François Languedoc, (dead) .....		7th April, 1837 .....	Part of Madawaska and Lake Temiscouata.		No...
Felix Stewart, Annabella O'Hara, and others.	27th May, 1837 .....	Grand Pabos .....	Yes.		Has never paid arrears of dues.
Hon. W. P. Christie, Gaspé .....	2d March, 1840 .....	Part of the Seigniorly DeLéry.	No...		His application being for a portion only.

QUEBEC, 10TH JUNE, 1842.

(Signed)

F. W. PRIMROSE,  
I. G. D. K.

(Statement in Answer to the 7th and 8th Questions.)

LIST of persons who have applied for Commutation of Tenure of Lands *en roture*, within the Queen's Domain.

Names.	Date of Report of Inspector General of King's Domain.	Property where situate.	Whether carried through.*	Remarks.
Edward Burroughs, Esquire, Quebec.	3d July, 1826 .....	Upper Town, Quebec.	Yes.	* Memo.—As the undersigned has no copies of the new Letters Patent, he does not vouch for the correctness of this column.
Representatives John Urquhart.	27th April, 1827 .....	Lower Town, Quebec.	Do.	
Hon. Edward Bowen, Quebec.	23d February, 1829 .....	Upper Town, Quebec.	Do.	
Robert Patterson, Esquire, (dead).	24th February, 1830 .....	Do. Do.	Do.	
Robert Shaw, Esquire, Quebec.	3d April, 1830 .....	Do. Do.	Do.	
William Price, Esquire, Quebec.	5th April, 1830 .....	Banlieue of Quebec.	Do.	
Alexander Simpson, Esquire, Quebec.	12th April, 1830 .....	Do. Do.	Do.	
B. C. A. Gagy, Esquire, Quebec.	3d June, 1830 .....	Upper Town, Quebec.	Do.	
E. Bedard, Esquire, Quebec.	29th June, 1830 .....	Do. Do.	Do.	
Edward Burroughs, Esquire, Quebec.	4th October, 1831 .....	Do. Do.	Do.	
Louis Lacroix, (dead).	6th December, 1831 .....	St. John's Suburbs, Quebec.	Do.	
J. B. Giroux.	21st March, 1832 .....	Banlieue of Quebec.	Do.	
F. Grant and John Greenshields, Esquire.	15th May, 1832 .....	Do. Do.	Do.	
John Munroe, Esquire, Quebec.	2d October, 1832 .....	St. Roch's Suburbs, Quebec.	Do.	
John Fraser, Esquire, Quebec.	3d November, 1832 .....	Banlieue of Quebec.	Do.	
Joseph Stowe Shaw, Esquire, Quebec.	16th January, 1833 .....	Do. Do.	Do.	
George Campbell, Quebec.	20th October, 1834 .....	St. Roch's Suburbs, Quebec.	Do.	
Robert Wood, Esquire, Quebec.	23d December, 1834 .....	Upper Town, Quebec.	Do.	
Thomas Hunt, Esquire, <i>et ux.</i> (dead).	11th February, 1835 .....	Do. Do.	Do.	
John Jones, Jr. Esquire, Quebec.	23d April, 1835 .....	Lower Town, Do.	Do.	
Elzéar Duchesnay.	9th June, 1835 .....	Upper Town, Do.	Do.	
Hon. M. Bell.	29th February, 1836 .....	Lower Town, Do.	Do.	
Pierre Brusseau, Esquire, Quebec.	12th April, 1836 .....	Banlieue of Quebec.	Do.	
Mrs. Widow Hunt.	29th March, 1837 .....	Lower Town, Quebec.	Do.	
William Torrance, Esquire, Quebec.	31st March, 1837 .....	Banlieue of Quebec.	Do.	



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Names.	Date of Report of Inspector General of King's Domain.	Property where situate.	Whether carried through.*	Remarks.
Margaret Ferguson .....	5th April, 1837....	Upper Town, Quebec....	...No.	* <i>Memo.</i> —As the undersigned has no copies of the new Letters Patent, he does not vouch for the correctness of this column.
Colin McCallum, Quebec.....	17th June, 1837....	Do. Do.....	...Yes.	
Mrs. Duncan Downes and Heles Downes.....	2d October, 1837....	St. Roch's Suburbs, Quebec.....	...Do.	
John Jones, Jr. Esquire.....	21st November, 1837....	Lower Town, Quebec.....	...No.	
Wm. J. Anderson, Esquire, Scotland.....	19th December, 1837....	Do. Do.....	...Yes.	
Hon. John Neilson, Quebec.....	27th March, 1838....	Upper Town, Do.....	...Do.	
Thomas Fargues, Esquire, Quebec.....	25th June, 1838....	Lower Town, Do.....	...Do.	
W. H. Brehaut, Esquire, Montreal.....	30th September, 1839....	Do. Do.....	...Unknown.	
Wm. Petry, Esquire, Quebec.....	1st October, 1839....	St. Roch's Suburbs, Quebec.....	...No.	
Andrew Paterson, Esquire, Quebec.....	29th October, 1839....	Do. Do.....	...Yes.	
John Brook, Esquire, Quebec.....	21th January, 1840....	Lower Town, Do.....	...Do.	
Eliza Taylor, Quebec.....	2d March, 1840....	Banlieue of Do.....	...Do.	
John Munn, Esquire, Quebec.....	1st May, 1841.....	Lower Town, Do.....	...In progress.	
Alex. Simpson, Esquire, Quebec.....	21th January, 1842....	Banlieue of Do.....	...Do.	

Quebec, 10th June, 1842.

(Signed)

F. W. PRIMROSE,  
I. G. D. K.

No. 11.

*Letter from Edouard Desbarats, Esquire.*

QUEBEC, 6TH JUNE, 1842.

Sir.—I have the honor to acknowledge the receipt of your letter of the 27th ultimo, accompanied by a series of Questions proposed by the Board of Commissioners of Inquiry on the Seigniorial Tenure, and to which you desire an answer with a view to obtain information in reference to the seigniorial tenure. In answer to the two first questions I have the honor to state, that I am in possession of the several Registers of the Court of Appeals, as well of the late Province of Quebec, as of the late Province of Lower Canada.

With reference to the third Question, whether there were not in those Registers several decrees or judgments rendered in cases or appeals wherein Seigniors were appellants and *Censitaires* respondents, and other cases wherein certain *Censitaires* were appellants and Seigniors respondents, in which matters of and concerning the seigniorial tenure were in question, and the subject matter of litigation; I have the honor to state, that so far as I have been able to proceed with the examination of the Registers of the Court of Appeals, I have not met with any judgment of that Court which appeared upon the face of it to have reference to any question at issue between the parties, relative to the seigniorial tenure. You were kind enough to mention two cases as having been brought under the consideration of the Court of Appeals, in which the subject matter of litigation had reference to the seigniorial tenure and to the legality of certain seigniorial charges connected with it; but I have carefully examined the judgement given in the case wherein Terrien was appellant and Longueuil respondent, not having been able to find the case wherein Terrien was appellant and Tremblay respondent in the Registers, and find that the grounds of appeals are not stated therein, nor does it exhibit in any manner the subject matter of litigation between the parties; for those reasons therefore, I regret it is not in my power to communicate to the Board the information which they desire to obtain by the foregoing, as well as by the fourth and last question.

I shall however prosecute my inquiries, and should I be fortunate enough to meet with any judgment of the nature

of those referred to in the Question proposed to me, I shall lose no time in communicating a memorandum of it to the Board.

I have, &amp;c.

(Signed) E. DESBARATS,  
C. C. A.To GEORGE VANFELSON, Esquire,  
Chief Commissioner S. T. &c.

No. 12.

*Letter from the Prothonotaries of the King's Bench, Quebec:*

QUEBEC, 3D JUNE, 1842.

Joseph François Perrault, one of the Joint Prothonotary of Her Majesty's Court of King's Bench, for the District of Quebec, in answer to the interrogatories addressed to him by the Commissioners of the Commission of Inquiry on the Seigniorial Tenure, begs leave to state for their information, that the Prothonotary's Office of Her Majesty's Court of King's Bench for the District of Quebec, is divided into two different offices entirely apart from each other; the first is the Superior Term office, under the immediate management of Mr. Burroughs, the other Prothonotary, in which the records and proceedings as well for the former Court of Common Pleas as the Superior Term of the said Court of King's Bench, are of record, and the other under my own superintendence being as well for the former Inferior Term of the said Court of King's Bench, now abolished by the present District Court, as for the archives of the said district, for which last, I now answer to the questions addressed to me.

The duty which the Commissioners are desirous to have performed (as the third and fourth of the series of questions express) would require about a twelve month or so, and the period between the receipt of their instructions and the one of answering being so short, I, in my humble opinion, thought it would be better to take divers concessions of Seigniors to *Censitaires* in the different *études* or *répertoires* of Notaries.

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which I have under my charge, as will more fully appear by the accompanying statement.

(Signed) Per PERRAULT & BURROUGHS,  
P. B. R.

J. F. PERRAULT.

No. 13.

*Answers from J. W. Woolsey, Esquire.*

Answers to interrogatories submitted to J. W. Woolsey, Esquire, Quebec, (as *Censitaire*.)

- 1.—Her Majesty's.
- 2.—Since the 31st October, 1806.
- 3.—The late William Grant, from 1763, say forty six years.
- 4.—I was; but it has been mislaid on obtaining the *titre-nouvel*.
- 5.—Answered above.
- 6.—You have herewith a copy of the *titre-nouvel*.
- 8.—In none.
- 9.—196 in front by 150 in depth, a water lot in the Lower Town of Quebec, facing St. Peter Street on the west, and the St. Lawrence on the east.
- 18.—Yes.
- 20.—Not in the Crown's Domain does it occur.
- 25.—I would have no objection to commute the Seigniorial Tenure on disposing of my estate.
- 27.—Yes; and in some cases, it exceeds twenty times the value of the *emplacement*.
- 28.—Yes.
- 39.—Free and common socage for Towns, Cities and Villages.

No. 14.

*Answers of J. B. Taché, Esquire.*

(Translation.)

KAMOURASKA, 3RD JUNE, 1842.

Answers of the undersigned *Censitaire* and proprietor of lands held *en roture* in the Seigniories of Kamouraska and of River du Loup, to the questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.

1.—I am proprietor of divers lands held *en roture* in the *Fiefs* and Seigniories of Kamouraska and of River du Loup.

2.—I have held the lands which I have in Kamouraska; since 1812, and those in River du Loup since 1826.

3.—Benoit Martin was proprietor of a part of the land which I possess in Kamouraska; the deceased Mr. Peter Fraser of the other: they had possessed these lands for many years before selling them to me. Moyses Morin was proprietor of six arpents one perch and a half of land in front, by thirty nine arpents in depth, which I hold near the River du Loup; The remainder were unconceded lands which I have acquired by concession from the Seignior.

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4.—I am in possession of the deed of concession which I obtained from the Seignior of River du Loup; I have no other deed of concession for the lands which I have acquired, either in River du Loup or Kamouraska; I transmit to the Commission a copy of this deed.

5.—I can give the Commission no information on this subject: I believe that these deeds were made under private signature and lost.

6 & 7.—I have a *titre-nouvel* for my property at Kamouraska, of which I transmit a copy.

8.—I cannot have made any remark on these points, having never seen the original deeds of concession.

9.—I hold in the first range of the Seigniorie of Kamouraska, near the Church, three *emplacements* containing about three arpents in superficies, and a lot in the first range containing nine perches and a half in front by about forty arpents in depth. My land, situate in the first range of River du Loup, is alluded to in my third answer. The remainder is an extent of land of more than half a league in front by thirty arpents in depth which I hold in common with Mr. Edouard Michaud, Notary, residing at St. André.

10.—Yes; the inhabitants of the Seigniorie of River du Loup did so in 1826 and 1827, and those of Kamouraska in or about 1828. My own, for the property which I hold in this Seigniorie, is dated the 8th February, 1828, passed by the deceased Mr. Letellier and Colleague, notaries public.

11.—No.

12.—I could not have any objection to make: I have not made any for my own part, and I have not heard that any has been made.

13.—There is but one Seigniorial mill in the Seigniorie of Kamouraska; there are two in that of River du Loup.

14.—Yes, they have been so up to the present time.

15.—There has never been, up to the present moment, any manufacturing mill established either in the Seigniorie of River du Loup or that of Kamouraska; what has been done has been so to meet the wants of the inhabitants, and to leave them nothing better to hope for elsewhere.

16.—I cannot tell the exact value of these mills, seeing that that depends entirely on the crops which have failed for many years back, as I have already said, there is not one manufacturing mill.

17.—No; I have never found myself in such a case.

18.—I have never had occasion to observe that any Seignior in this part of the Province has abused this right; for the last twenty-two years that I have managed the Seigniorie of River du Loup, it has been exercised three times, and this in special cases in order to punish *Censitaires* for fraudulent transactions; in Kamouraska, where I have resided since 1806, it has only been exercised three or four times; in Ste. Anne, two or three times.

19.—Nothing of that kind has been done to my knowledge.

20.—I have already answered this question.

21.—No, except in the towns and villages where it seems to me that this right ought to be limited, reduced and taken only on the value of the ground itself. The inhabitants or *Censitaires* in general would be very anxious to free themselves if they could do so for nothing; but I do not think that they would wish to do it by paying, nor do I think it would be for their advantage to do so. I found this opinion on what I have seen happen at Kamouraska. The Seignior had conceded lands which he believed to lie within his Seigniorie, but by an agreement made between himself and the Commissioner of Crown Lands for the measurement of his Seigniorie, a part of the *Censitaires* to whom he had conceded, found themselves

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without the limits of the Seignior, he was in consequence obliged to purchase these lands to avoid seeing annoyed those whose guarantee he was, and he was permitted to do this only on condition that he should give up the lands to these *Censitaires* on the same conditions as those on which he had received them. One single purchase was made by one François Fontaine dit Bienvenu, with two of his neighbours, of a mill-site; and this man has ruined himself by the speculation, his property being to be sold by the Sheriff at the Sheriff's Office, on the 18th July next, at the suit of Edward Ennis.

22.—Timber of large size is generally reserved as well to satisfy the conditions reserved in the original titles on the Seignior in favor of the Crown, as for the building of the mills, mansion houses, parsonage houses, churches, sacristies and burial grounds in each Parish and Seignior; there are certain Seigniors, the Seignior of River du Loup for one, who have reserved the timber absolutely.

23.—No, certainly not. I have never known a Seignior stop the clearing in order to preserve wood, which a fire happening accidentally, might have destroyed, and so prevent the improvement of a property, the clearing of which should give him more than the value of the timber in the profits of grinding, &c.

24.—No.

25.—I have never applied to the Seignior to obtain a commutation of tenure, and although all the landed property which I possess is held *en roture*, I should not like to see it commuted; I prefer to employ the money which I should require for the purchase of the commutation of these rights in improvements, rather than in purchasing rights which would only affect me when I might find it convenient to enter into transactions which I might believe to be profitable. The property I have possessed in Kamouraska, since 1810 and 12, has cost me three half pence a year of *cens et rentes*; I have paid *lods et ventes* only once, and I hope that my children will never pay them on this property; I pay for my land, at River de Loup, situate on the Bank of the St. Lawrence, and almost entirely cleared, containing more than 250 arpents in superficies, 15s. 6d. a year of *cens et rentes*; for the lands in the concessions, half a bushel of wheat and one half penny of *cens* for each thirty arpents in superficies; if it were necessary to commute, I should scarcely have means to do it; but supposing that I had, the commutation money would appear to me better employed in clearing.

26.—Nothing of that kind has been done to my knowledge.

27.—Yes; I think that the right to *lods et ventes* should be reduced, and taken on the value of the ground only.

28.—Yes.

29.—I do not believe that the right to *lods et ventes* can be done away with, without despoiling the Seigniors of their property. The right of *roture* or *banalité* of the seigniorial mills in this country appears to me more favorable to us *Censitaires* than to the Seigniors, inasmuch as we can compel him to keep us always a mill in good order to grind our corn at a fixed rate, one-fourth; while, in the pretended free countries, the miller makes a profit out of the necessities and wants of the people; and I have been assured that in the United States and in France, the toll for grinding is in general much higher than here. As to the right of *retrait conventionnel*, I do not see how with justice it could be withheld from the Seignior, more than from any other individual who makes an agreement of any kind when he sells his property; should that be done, it would be necessary to be consistent, to deny the right of ( ) among the *Censitaires*.

30.—The Seigniors of the *Fiefs* in which I am *Censitaire* have done nothing of the kind mentioned in this interrogatory. The deceased, Mr. Alexander Fraser, Seignior of River du Loup, has changed the primitive rate of *cens et rentes*, which was 20 pence halfpenny an arpent of frontage, by the depth of a concession, to 2s. 6½d. or a half bushel of wheat and a halfpenny, which I have never considered as a change in the rate of the concession proportionate to the change in the value of money; for certainly fifty years

ago more could be had for 30 *sols*, than could be had at the present day for half-a-crown. I recollect that the flour sold by my father to pay my first years of education, was often sold for 7s. 10d. or six shillings and three-pence per quintal.

31.—No.

32.—No.

33.—I have nothing which can give a uniform idea of the rate of the concessions made anciently; landed property at that time was considered as almost of no value, and divided among the families of the Seigniors in great quantities, for one *sol* of *cens* only for forty arpents in superficies; those considered to be at the highest rate, at forty one *sols* for forty two arpents in superficies.

34.—No; nothing of that kind has been done.

35.—No.

36.—No.

37.—No; unless the lands had been promised to others previously.

38.—Not to my knowledge.

39.—No, most assuredly not; I think that this change would ruin them; for myself, I hold only property *en roture*, and I have managed for more than thirty years different Seigniories and drawn up the terriers of seven Seigniories. I have had the opportunity of knowing the advantages and disadvantages of the feudal system, and I do not hesitate an instant to say, as a *roturier*, that the feudal system as it exists in this country, and is practised by the Seigniors whom I have known, is more advantageous to the poor than any other system whatsoever; I intreat the Commission to look at the proceedings of a Committee of the House of Assembly charged, about 1820, to inquire into the causes which had delayed the clearing of the lands of the Province, and I believe that they will find information in support of the opinion which I have expressed above.

40.—Yes; I have considered it for the last twenty two years; I did so as a member of the House of Assembly, about 1820; I cannot fix the date precisely, not having the Journal before me. I was one of the Committee of which the late Mr. Andrew Stewart was Chairman, charged to make inquiry into the causes which had delayed the clearing of the lands in this country. I request the Commission to consult the Report of this Committee; I do not think that more clear or profound information can be found anywhere than that recorded in the said Report.

41, 42.—I do not know any which could render the Inhabitants better off than they are at present, excepting the modification which I have already mentioned in speaking of the properties in Towns and Villages.

43, 44, 45, 46, 47, 48.—My answers to the preceding Questions will afford an answer to these also.

(Signed)

J. B. TACHÉ.

No. 15.

Answers of the Honorable John Stewart.

Answers of the Honorable John Stewart, relating to the Seignior of Notre Dame des Anges, in the District of Quebec, as inserted in the columns of printed Schedule.

1.—Seignior of Notre Dame des Anges, in the County and District of Quebec.

2.—10th March, 1626.

3.—Duc de Vantadour.

4.—Les Révérends Pères de la Société et Compagnie de Jésus.

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5.—One league by four  $\frac{2}{3}$  square arpents, bounded in front by the Rivers St. Lawrence and St. Charles, in the rear by the Townships of Stoneham and Tewkesbury, to the N. E. by the Seigniory of Beauport, and to the S. W. by the Fief d'Orsenville.

6.—For the propagation of the Christian Faith among the Savages.

7.—The Crown.

11.—Six.

12.— $\frac{2}{3}$ , including *Fief Grand Pré*.

13.—511.

14.—One *sol* of twenty *sols* to the pound, for each arpent of land in superficies, and one live Capon, or twenty *sols tournois* for each arpent in front by twenty arpents in depth.

15.—The present rates were first adopted in the concession made in this seigniory in the year 1825.

16, 17.—No statistical account having been taken, I am unable to answer these Questions.

18.—None.

19.—

20.—£88 14s. 3d.

21.—Uncertain.

22.—£92 7s. 1d.

23.—£1286 11s. 4½d. This sum includes arrears of *lods et ventes*, blended in the *cens et rentes* in the declarations to the *terrier*.

24.—£257 3s. 5d. arising from farms, *constituts*, and water privileges.

25.—Two.

26. The Charlesbourg Mill is let at £50 per annum, and Beauport Mill at £40 per annum.

27.—£60 10s. 9d.

28.—I have no knowledge of such ever having been exercised.

29, 30, 31.—

32.—I have no official information on this subject.

33.—

34.—I am not aware that any such applications have been made.

35.—

36.—They vary, as will appear by the copies of the Deeds herewith furnished. In the *papier terrier* will be found a declaration of the Seminary of Quebec, for a land they hold *en roture* of 7½ arpents in front by 4 leagues in depth, for which they pay 3 *livres*, 5 *sols* et 2 *deniers*.

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No. 16.  
List of Surrenders made to the Crown, produced by the Prothonotary of the Court of King's Bench, Quebec.

LIST OF SURRENDERS MADE TO THE CROWN BY DIVERS INDIVIDUALS, TO THE END AND EFFECT OF OBTAINING A CHANGE OF TENURE, &c. TO WIT:—

Date.	Page of Register.	By	What Property, and where situate.	En Fief.	Arrière Fief.	En Roture.	Date of Surrender; Date of Acte or Order of Court.
1829	26	Elizabeth Newton Magdalen Firphart Margaret Cruihart Margaret T. McPherson.	Quebec, Cul-de-Sac.	.....	.....	à titre de cens.	16th February, 1829.
	29	John Hall, Esquire.	Upper Town of Quebec, St. Denis Street	.....	.....	ditto	ditto
	32	The Hon. Edward Bowen	Ditto, Grisons Street	.....	.....	ditto	19th February, 1829.
	34	Edward Burroughs, Esquire	Ditto, St. Lewis Street	.....	.....	ditto	18th April, 1829.
	37	Bartholomew Conrad Augustus Gagy	Ditto, ditto	.....	.....	ditto	16th February, 1830.
1830	73	Robert Patterson	Ditto, St. Ursule Street	.....	.....	ditto	14th April, 1830.
	131	Alexander Simpson, Esquire	Parish of Quebec, St. Foy Road	.....	.....	à titre de Fief.	17th April, 1830.
	134	The Hon. John Hale	County of Hampshire, District of Three Rivers	.....	.....	ditto	ditto
	140	Ditto	Ditto	.....	.....	à titre de cens.	20th April, 1830.
	143	Alexander Simpson, Esquire	Parish of Quebec, St. Foy Road	.....	.....	ditto	19th April, 1830.
	146	Robert Shaw, Esquire	Upper Town of Quebec, St. Ann Street	.....	.....	ditto	19th June, 1830.
1831	182	Bartholomew Conrad Augustus Gagy	Ditto, Place d'Armes	.....	.....	ditto	20th October, 1831.
1832	331	Edward Burroughs, Esquire	Ditto, Mont Carmel Street	.....	.....	ditto	14th April, 1832.
	28	Jean Bie. Giroux	Parish of Quebec, St. Foy Road	.....	.....	ditto	19th October, 1832.
	68	William Price	Ditto, St. Lewis Road	.....	.....	ditto	20th October, 1832.
1833	127	John Munn	St. Roch of Quebec, Wolfe's Cove	.....	.....	ditto	4th February, 1833.
	133	Fred. Grant and John Greenshields, Esquires	Parish of Quebec, St. John's Street, St. John's Suburbs	.....	.....	ditto	10th April, 1833.
	161	Louis Lacroix	City of Quebec, l'Anse des Mères	.....	.....	ditto	10th June, 1833.
1834	195	Joseph Stowe Shaw	Banlieue of the City of Quebec	.....	.....	ditto	16th February, 1834.
	326	Charles James, by Divine permission, Lord Bishop of Quebec.	Township of Sherrington, District of Montreal	.....	.....	ditto	7th April, 1835.
1835	13	Thomas Hunt and Elizabeth Chillas	Lower Town of Quebec, St. Peter Street	.....	.....	ditto	10th April, 1835.
	19	Robert Wood	Upper Town of Quebec, St. John's Street	.....	.....	ditto	4th June, 1835.
	29	John Jones	City of Quebec, Pres-de-Ville	.....	.....	ditto	20th June, 1835.
	33	Elzéar Duchesnay	Upper Town of Quebec, St. Lewis Street	.....	.....	ditto	5th October, 1835.
	36	John Fraser	City of Quebec, l'Anse des Mères	.....	.....	ditto	20th October, 1835.
	38	Gaspard, Pierre Gustave Joly and Julie Christine Chartier de Lotbinière.	Seigniory of Lotbinière	.....	.....	à titre de Fief.	15th April, 1836.
1836	69	Pierre Boisseau	Parish of Quebec, St. John's Road leading to St. Foy	.....	.....	à titre de cens.	20th April, 1836.
	71	Charles James, by Divine permission, Lord Bishop of Quebec.	Township of Sherrington, District of Montreal	.....	.....	ditto	8th June, 1837.
1837	98	The Hon. Matthew Bell	Fief and Seigniory of Mount Louis, District of Gaspé	.....	.....	à titre de Fief.	17th June, 1837.
	100	Ditto	Lower Town of Quebec	.....	.....	ditto	ditto
	103	Elizabeth Chillas	Ditto, St. Peter Street	.....	.....	ditto	ditto
	106	William Torrance	Banlieue of the City of Quebec	.....	.....	ditto	ditto

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1837	109	Colin McCallum	Upper Town of Quebec, Carrières Street	.....	.....	ditto	20th June, 1837.
	112	William Peiry	City of Quebec, l'Anse des Mères	.....	.....	à titre de cens.	20th June, 1837.
	115	John Bonner	Do	.....	.....	ditto	ditto
	118	Charles Jes. Chaussegros DeLéry	Fief and Seigniory of Perthuis, in the Province of Lower Canada.	.....	.....	.....	4th October, 1837.
	126	Louis René Chaussegros DeLéry	Do	.....	.....	.....	12th October, 1837.
	133	Charles Aug. Chaussegros DeLéry	Fief and Seigniory of Lake Metis	.....	.....	.....	15th February, 1838.
1838	175	J. Bte. René Hertel de Rouville, and Dame Marie A. Julie Hertel de Rouville	St. John's Road, leading to St. Foy	.....	.....	à titre de cens.	12th October, 1838.
	178	Pierre Boisseau	Lower Town of Quebec, St. Peter Street	.....	.....	ditto	20th October, 1838.
	180	Thomas Fargues	Ditto, Sault-au-Matelot	.....	.....	ditto	ditto
1839	178	William Glen Anderson	Seigniory of Lake Metapediae	.....	.....	.....	9th April, 1839.
	180	Henry George Forsyth	Do	.....	.....	.....	ditto
	189	Charlotte Langan	St. Roch of Quebec, Prince Edward Street	.....	.....	à titre de cens.	1st February, 1840.
1840	192	Archibald Kennedy Johnson	Lower Town of Quebec, Sault-au-Matelot Street	.....	.....	ditto	15th February, 1840.
	195	James Leslie, and John Thomas Badgley	Lower Town of Quebec	.....	.....	ditto	20th February, 1840.
	201	Andrew Paterson	Banlieue of the City of Quebec	.....	.....	ditto	16th October, 1840.
1841	207	Eliza Taylor	Fief and Seigniory de la Magdeleine	.....	.....	.....	15th June, 1841.
	207	John Greenshields and Andrew Paterson	Canardière, in the Parish of Quebec	.....	.....	à titre de cens.	31st August, 1841.
	212	Jane McCallum	St. Foy Road, Banlieue of the City of Quebec	.....	.....	ditto	1st February, 1842.
1842	216	Alexander Simpson	St. Foy Road, Banlieue of the City of Quebec	.....	.....	ditto	ditto
	225	John Munn	Lower Town of Quebec, Canoterie	.....	.....	ditto	20th April, 1842.

PROTHONOTARY'S OFFICE,  
Quebec, 31st May, 1842.

(Signed)

FERRAULT & BURROUGHS, P. B. R.

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No. 17.

Schedules of Jesuits' Estates, District of Three Rivers, produced by the Honorable John Stewart.

## FIEF PACHIRNY.

1. Name of Seignior or <i>arrière fief</i> , and in what District situate.	2. Date of original Grant.	3. By whom granted.	4. To whom granted.	5. State the extent of the Seignior or <i>Fief</i> , its di- mensions, contents in square arpents, and its <i>tenans et aboutissans</i> , fully.	6. State the terms, charges and conditions set forth in the original grant.	7. Name of present Holder or Proprietor.	8. Profession.	9. Residence.	10. If absent, the name and residence of Agent.	11. Present number of concessions.
Fief Pachirny, Dis- trict of Three Ri- vers.	23rd October, 1699.	Hector de Callières et Jean Rochart.	To the Pè- res Jesuites.	Four perches of land in front by eight in depth, and twenty toises square and tem- poral assistance given to the Savages, situated within the Town of Three Rivers.	In consideration of the great spiritual and tempo- ral assistance given to the Savages.	The Crown.				Six <i>Emplacements</i> .
12. Their extent in square ar- pents.	13. Number of <i>Censitaires</i> .	14. State what are the present rates, charges and conditions at which concessions are now made.	15. If these rates, &c., be different from those of the original grants or conces- sions, state when such changes were made, and the nature thereof.	16. Number of concessions at pre- sent under cultivation, and square arpents therein.	17. Number of concessions not under cultiva- tion, and square arpents therein.	18. Probable quanti- ty of unconceded lands.	19. Their quality, value and nature of soil.	20. Annual average amount of <i>lozs et ventes</i> received during the last ten years.		
About 2 arpents.	Six.	The following was conceded in the years 1718 and 1719.—say, 3913 feet at 12 <i>livres</i> . 2442 feet at 1 <i>livre</i> 10 <i> sols</i> . 900 feet at 3 measures of Indian Corn, or 5 <i>sols</i> for each measure. For 900 feet at ditto, ditto, 900 feet at ditto, ditto.								These have been blended with the re- ceipts from the Bar- lieue and Côteau St. Louis under the head of Three Rivers.

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FIEF PACHIRINY—(Continued.)

21. What amount of <i>lods et ventes</i> now due.	22. Annual average amount of <i>cens et rentes</i> received during the last ten years.	23. What amount of arrears of <i>cens et rentes</i> now due.	24. Annual average value of other sources of revenue, if any, for the last ten years, and state the nature of sources.	25. Number of Mills, ( <i>moulins banaux</i> .)	26. Their value.	27. Annual average value of the <i>moultures</i> for the last ten years.	28. State the number of times each year for the last ten years the <i>droit de retrait conventionnel</i> has been exercised.	29. State the value and extent of the property redeemed, whether built on or not, the value of land, and of buildings, and sum paid on such redemption.	30. Give the names of the Seigniors who have commuted with the Crown, if any.
£12 10s. as far as ascertained.	Blended in the Town of Three Rivers.	£16 10s. 6d.	None.	None.			At no time.		
31. Describe the nature and terms of such commutation, and the Seigniori or <i>Fief</i> commuted.	32. Have any <i>Censitaires</i> applied for commutation; to whom; and when?	33. If granted, state when, if not, why?	34. Have any inhabitants applied to their Seigniors for concessions of wood-lands, upon the terms and conditions used previous and up to the year 1711.	35. If such applications have been granted, say when, and name of the Notary that passed the deed. If not, state why?	36. Can you, from any titles or other documents, state what were the <i>cens et rentes</i> , and other charges and burthens affixed to grants and concessions previous and up to the year 1711.				
None.	None.								

JESUITS' ESTATES' OFFICE,  
Quebec, 14th June, 1842.

J. STEWART.

(Signed)

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FIFTEEN NEAR THREE RIVERS.

1. Name of Seigniorie or <i>arriche fief</i> , and in what District situate.	2. Date of original Grant.	3. By whom granted.	4. To whom granted.	5. State the extent of the Seigniorie or <i>Fief</i> ; its di- mensions, contents in square arpents, and its <i>tenans et aboutissans</i> , fully.	6. State the terms, charges and conditions set forth in the original grant.	7. Name of present Holder or Proprietor.	8. Profession.	9. Residence.	10. If absent, the name and residence of Agent.	11. Present number of concessions.
12. Their extent in square ar- pents.	13. Number of <i>Censitaires</i> .	14. State what are the present dues, charges and conditions at which concessions are now made.	15. If these rates, &c., be different from those of the original grants or con- cessions, state when such changes were made, and the nature thereof.	16. Number of concessions at present under cultivation, and square arpents there- in.	17. Number of concessions not under cultivation, and square arpents therein.	18. Probable quantity of uncultivated lands.	19. Their quality, amount of value and nature of soil.	20. Annual average amount of <i>lods et ventes</i> received dur- ing the last ten years.		
				Each <i>terre</i> in the <i>banlieue</i> is settled, but the quantity of woodland is uncertain.	None in the <i>Banlieue</i> , about 81 in <i>Coteau St. Louis</i> , 35 of which in possession of the Trustees of the Common without title.	Sandy.	£29 18s. 0d. including <i>Pachiriny</i> .			

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FIEF NEAR THREE RIVERS—Continued.

21. What amount of arrears of <i>lods et ventes</i> now due.	22. Annual average amount of <i>cens et rentes</i> received during the last ten years.	23. What amount of arrears of <i>cens et rentes</i> now due.	24. Annual average value of other sources of revenue, if any for the last ten years, and state the nature of sources.	25. Number of Mills, ( <i>moulin banair</i> )	26. Their value.	27. Annual average value of the <i>maisons</i> for the last ten years.	28. State the number of times each year for the last ten years the <i>droit de retrait conventionnel</i> has been exercised on such redemption.	29. State the value and extent of the property redeemed, whether the value of land, commuted with the land, and sum paid.	30. Give the names of the Seigniors who have commuted with the Crown, if any.
£37 4s. 3d.	None.	£24. 5s. 3d.	None.	None.			Never.		
31. Describe the nature and terms of such commutation, and the Seignior or <i>Fief</i> committed.	32. Have any <i>Censitaires</i> applied for commutation; to whom; how many; and when?	33. If granted, state when, if not, why?	34. Have any inhabitants applied to their Seigniors for concessions of wood-lands, upon the terms and conditions used and current previous and up to the year 1711.	35. If such applications have been granted, say when, and name of the Notary that passed the deed. If not, state why?	36. Can you, from any titles or other documents, state what were the <i>cens et rentes</i> , and other charges and burthens affixed to grants and concessions previous and up to the year 1711.				
	None.								

JESUITS' ESTATES' OFFICE,  
Quebec, 14th June, 1842.

(Signed)

J. STEWART.

*Letter from L. Barbeau, Esquire.*

(Translation.)

LAPRAIRIE, 30TH MAY, 1842.

SIR,—I have to acknowledge the receipt of yours, dated the 20th instant, which I received on Saturday last, with the accompanying documents. In this circular you request me, on the part of the Commissioners of Inquiry into the Seigniorial Tenure, to assist them in performing the important task which has been confided to them, by transmitting to them ample and copious answers and details in reply to the different questions submitted to my consideration. In reply, I entreat you to believe that I gratefully appreciate the honor these gentlemen and yourself do me, by addressing to me the series of questions which one of these documents contains: for certainly it is worthy of the reflection and consideration of those who have at heart the happiness and prosperity of the inhabitants of this Country, which cannot be ensured without clearing away the obstacles and hindrances resulting from the present system of Seigniorial Tenure. This task requiring considerable time, inasmuch as it would be necessary to put a great number of questions to a crowd of persons, and to obtain from them answers and information on so important a subject, which would bring on lengthy details in reference to the different points submitted for their consideration. All this would be a work of great labour for me; and therefore without consulting any one, and to make the matter short, I shall take the liberty of telling the gentlemen of the Commission, that, in my humble opinion, all the seigniorial rights, without exception, are a curse to Lower Canada, and should be utterly abolished: that if this country is behind its neighbours, its tardiness in improvement and industry of all kinds is due, for the most part, only to this scourge, if I may thus express myself. Nevertheless, I would not wish the Seigniors to lose their rights, without being previously justly indemnified. Now for this end, I would suggest an effective means:—1o. Let the Seignior or *Fief* be valued; to do this, let there be named on the part of the Seignior four appraisers or arbitrators, and as many on the part of the *Censitaires*; and if these eight persons should differ in opinion, let them chose three others as a third party, the majority of whom should calculate the value of the Seignior or *Fief*: 2o. That done, let them proceed in the same manner to the valuation of the lands of the *Censitaires* of such Seignior or *Fief*:—these two things once agreed upon, it will be very easy afterwards to satisfy the Seignior by allowing him, as a just and liberal compensation for and in place of his Seigniorial rights, the value at which his Seignior may have been estimated. To meet this valuation and to effect the payment of the amount to the Seignior, let each *Censitaire* be held to reimburse by ten equal payments, during ten consecutive years, the sum to which his share might amount, in proportion to the valuation of his land, that is to say, on the supposition that a Seignior should have been valued at £12,000, it would be necessary in order to pay that sum to apportion it on the entire valuation of the lands of the *Censitaires* of the said Seignior, so as to determine what rate per centum, upon the valuation of his land, each *Censitaire* should contribute for his proportion of this payment to the Seignior; it being well understood that legal interest should be also paid with full payments, or that the money should remain in the hands of the *Censitaire à titre de constitut*, to be paid in one or more payments at his pleasure;—and I am inclined to think that each of these payments, the last of which would fall due at the end of ten years, would not exceed the double of that of the ordinary rents which are paid each year, and in perpetuity to the Seignior. So that by means of the proposed plan, the system of Seigniorial Tenure would be done away with without much expense, and in place of it all lands for the future would be held in free and common soccage. And for the purpose of attaining so desirable an end, let there be a law passed compelling the interested parties to conform thereto.

As regards the property of the late Order of Jesuits, devolved to the Crown, of which the Seignior of Laprairie forms part;—seeing that the reverues ought to have been employed in the education of the youth of this Seignior,

by virtue of the original title of the same, (a condition which has never been fulfilled since the extinction of this order) it seems to me that this defect of accomplishment should operate to some extent in favor of the *Censitaires*. Without doubt this last circumstance is perfectly well known to the Commissioners who will be able, better than myself, to manage the details. You will observe perhaps that I am too brief in my remarks, and too positive in the plan which I suggest, and that I ought rather to have answered the questions submitted to me: that would have been more proper, I allow; but I have thought it my duty to submit this plan, which in my humble opinion, would suit best for the amelioration of our present position. Besides, the former would require a labour which would interfere with my professional occupations, so that I shall confine myself to my suggestions. May they be of some utility to you; or at least may they serve to bring to perfection some other system of tenure which would tend to ameliorate the condition and promote the happiness of the inhabitants of this country, such is the sincere prayer of him,

who has the honor to be, Sir,  
your very humble and obedient servant,

(Signed) Ls. BARBEAU.

*Answers of M. Belanger, of St. Martin.*

(Translation.)

SIR,—In answer to the Circular which you have addressed to me, as Secretary of the Commission on Seigniorial rights, I beg leave to say that I shall answer to the best of my power the questions which you send me, without undertaking to give you satisfactory answers to all your questions.

1 and 2.—I answer that I have been a proprietor in the Seignior of Isle Jésus for the last twelve or thirteen years.

3.—Guillaume Gravelle was in possession before me, and he possessed my land for the space of two months.

4 and 5.—I have not the Deed of Concession, and I cannot say in whose hands it is at present.

6 and 7.—There have been no *titres-nouveaux* passed in the Seignior of Isle Jésus.

8.—The rate of rents, in the said Seignior, has not been changed.

9.—My land is about sixty arpents in superficies.

10 and 11.—I have answered these questions in my answer to the sixth question.

12.—I have answered this question.

13.—I know but one Seigniorial Mill, which is at St. Martins, on the Domain.

14.—The said Seigniorial Mill and the other Mill are for the use of the inhabitants of the said Seignior.

15 and 16.—I am unable to answer these questions.

17.—The right of *Retrait Conventionnel* has never been exercised to my knowledge in the said Seignior.

19.—I cannot answer.

20.—It has never been exercised to my knowledge.

21.—I have sometimes heard complaints against our Seigniors; but assuredly it was from people indebted to them, and who would like better to pay nothing to the Seigniors. For myself I cannot complain of our Seigniors in any manner.

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22 and 23.—Having neither the deed of concession nor a *titre-nouvel*, I cannot answer.

24.—Never.

25.—For my own part, I prefer remaining a *Censitaire*.

26.—No, never to my knowledge.

27.—Generally, in the villages, there is found a certain number of lots, the buildings on which exceed the intrinsic value of the ground.

28.—There have been no complaints on this subject in our Seignioriy.

29.—I cannot answer this question, from my slight acquaintance with the subject.

30.—I am unable to answer.

31.—Never to my knowledge.

32.—None to my knowledge.

33.—I know nothing of the rate of *cens et rentes*.

34 and 35.—Never to my knowledge.

36.—From my ignorance of the subject, I cannot answer.

37.—I am not acquainted with any Seignior who has acted thus.

38.—Not to my knowledge.

39.—I am not prepared to answer this question.

40.—Having never maturely considered this subject, I cannot in consequence answer this question.

I have the honor to be, Sir,  
Your most humble and most obedient servant,

(Signed) LOUIS BELANGER, N. P.

St. Martin, 2 June, 1842.

No. 20.

*Answer of the Reverend Manseau.*

(Translation.)

LONGUEUIL, 4th JUNE, 1842.

To the Gentlemen forming Commission of Inquiry on the Seigniorial Tenure.

Gentlemen,—Some days ago I received the Circular addressed to me by your Secretary, accompanied by a list of questions. I am sorry to say that my present position and my little leisure do not permit me to satisfy the wishes of the Commission with reference to the task which has been intrusted to them. I shall confine myself to stating in a very succinct manner my humble opinion on the important subject now to be considered, with the sole view of proving, by so doing, how sensible I am of the confidence with which the Members of the Commission have been pleased to honor the Clergy of this country.

Not being in possession of any landed property, I have nothing to say of the conditions or charges imposed by the Seigniors on their *Censitaires*.

A new *terrier* was commenced last winter for the Barony of Longueuil and the Seignioriy of Belœil. There have already been passed a great number of *titre-nouveaux* for the *Censitaires* of these two Seigniories. All the transactions relative to this business evince the well-known justice and probity of the Seigniors, Baron Grant and Madame de Montonach, and also of the Notaries employed, Messrs.

Lacoste and Harteau, Agents of the above mentioned Seigniories. The above mentioned *Censitaires* have shown little opposition to the renewal of their titles.

I do not think that the *Censitaires* of the Barony of Longueuil have had any idea of complaining or any reason to complain of the charges and duties on which their lands are held; the intention of their Seigniors having always been to transact business with them according to the rules of the strictest justice.

There are two Seigniorial Mills in the Barony, and one only in the Seignioriy of Belœil.

The Seigniors have always allowed to their *Censitaires* the liberty of having their grain ground wherever it seemed to them most advantageous.

The Seigniors have never built Mills, in so far as I know, with a view to speculate.

The Seigniors of Longueuil and of Belœil never, or scarcely ever exercise the *droit de retrait*. There are certain other Seigniories where this right has become quite a speculation on the part of the Seigniors, and a subject of well-founded complaint on the part of the *Censitaires* and others.

The *Censitaires* in all Seigniories complain loudly of the "*lods et ventes*" on the fruits of the industry of the landholders, and regard them as unjust exactions, to which, according to natural justice, the Seigniors can have no title in their quality of original proprietors of the land. The talent and industry of a landed proprietor having no analogy with the titles and privileges of the Suzerains. Every one, on the contrary, would admit the justice of the right of the *lods et ventes* on a uniform value in houses and other dependences strictly necessary for actual settlement, and the profitable cultivation of the lands, but nothing more. It is on this basis only, that the *Censitaires* would consent to commute with the Seigniors. For the rest, they attach much importance to being freed from the reservations of wood, stones, and days of *corvée* for the Seigniors, especially in the numerous Seigniories where the Seigniors no longer make it their business to build good mills and other public edifices for the benefit of the *Censitaires*; for it is reasonable to think that these reservations were made by the Kings of France rather for the advantage of the public than for that of the Seigniors.

I do not believe that the *Censitaires* of any Seignioriy have ever had a thought of commuting with their Seigniors for any of the Seigniorial dues, and that because they are content with the feudal tenure, properly understood, because they have no confidence in a mode of commutation which cannot be very favorable to them, and because a great number, especially at Longueuil, wish their property to remain in their families.

Several years ago, Mr. Ellice, Seignior of Beauharnois, obtained from the Imperial Parliament a law authorizing him to commute with the *Censitaires*, and I believe that no one as yet has taken advantage of this pretended benefit, were it only for the reason that the rate of the concessions in this latter Seignioriy being exorbitant, a commutation of rights in the mode least advantageous to the Seignior would ruin the *Censitaires*, and would oblige them to abandon their property.

I am fully convinced that the *Censitaires* of the Seigniories prefer the present tenure to every other tenure whatsoever, provided the Seigniors will return to the principles of the tenure, such as it was under the French Government, and such as it is still understood by the Seminaries of Quebec and Montreal, as to the rate and certain other dues. It may well appear unjust to them to be left to the pleasure of the Seigniors, and that these last should be at liberty to raise the rate of new concessions at their sole will, as well as to multiply the dues, and that after having built shanties on the un-conceded lands, and cut and sold the best timber, they should reserve a part of the remainder for themselves. This is the practice almost everywhere without exception. Another grievance against the Seigniors is their conceding entire concessions either to the agent or to the surveyor, so as to force

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the poor to purchase the lands which ought to be conceded to them, and to pay on a first concession *Lods et ventes* to which the Seigneur has no right.

I know only the Seignior of Beauharnois, where, for twenty years, lands have been refused to be conceded notwithstanding reiterated demands. Finally, several families having no land of their own, established themselves on the unconceded lands in order to force the Seigneur to give them titles; but having been sued, a judgment of the Court of Montreal sentenced them to leave within a very short delay.

I believe that the right of *lods et ventes* is very prejudicial to industry, especially in cities and villages; and every one complains of it loudly as being an obstacle to public improvement.

The only possible plan of commutation would be perhaps, that which has been adopted for the Seminary of Montreal. However, although the conditions may be very reasonable, I do not think this plan applicable to the country-parts. In these years of distress there are very few inhabitants in a state to commute even on the most favorable and economical terms, which could be established consistently with justice to the Seigniors.

I cannot speak with certainty on the *quantum of cens et rentes* and other charges and reserves stipulated in the concessions of wood-lands, before one thousand seven hundred and eleven. I think that the communities which possess Seigniories might give some certain information on the terms of concession at this epoch.

I know of no case, of persons suing Seigniors to obtain from them concessions on the same conditions as those imposed on the other conceded lands in the same Seignior. Perhaps some information of this kind might be had by referring to the petitions addressed to the late House of Assembly, on the part of the *Censitaires* of Beauharnois and Lotbinière, complaining of the severe exactions of their Seigniors. I am decidedly of opinion that the feudal tenure is the most suitable for the inhabitants of Lower Canada, provided that those changes which I have pointed out above, and also a few others universally acknowledged to be necessary are made in it. I will mention a few which occur to me at present. Let the Seigneur lose the right of *banalité* when he refuses to build proper mills. This would remedy an injustice committed by many of the Seigniors of our day. For it is not sufficient to permit the *Censitaires*, in this case, to carry their grain to other mills at a great distance; being entitled to have mills near their settlements, in the Seignior, they should have the right of building mills themselves when the Seigniors refuses to do so.

Let the rate of concession be uniform and such as it was at the period of the conquest.

Let there be no *lods et ventes* on individual industry.

When the Seigneur wishes to build mills, a manor-house and buildings for the advantage of his *Censitaires*, let him be allowed to take the necessary materials wherever he can find them, if there are none to be found on his domains.

Let the *Censitaires* be freed from all *corvée* labor for the sole benefit of the Seigneur, such as making his hay, and getting in his crops, as is practised at Contrecoeur and at St. Antoine.

Let the *Censitaires* pay their rents in the best wheat they have on their lands, and let the Seigniors have no power to refuse it.

When having no wheat, they pay in money, let it be at the current prices at the time the rents fall due, and not at the probable price in another season.

Let the Seigneur have no power to exercise his right of *retrait* except when it is established that there has been fraud; for there are certain Seigniors who make more by *retraits* than by their annual rents.

Let the Seigneur have no right of gratuitous interment in the church, except when he has given alms to the church, according to the requirements of the canonical law.

Let the Protestant Seigniors have no right to a seat in the Roman Catholic Churches, and the Roman Catholic Seigniors, no such right in the Protestant Chapels.

Let all conditions or clauses stipulated in the deeds of concession, which are contrary to the common law be null and void.

As a hurtful indulgence on the part of the Seigniors who permit their *Censitaires* to forego exertion and often ends by ruining them, there should be a regulation that after a given time, the Seigniors shall no longer have the right of bringing an action against their debtors for rents or for *lods et ventes*.

Finally, it is important that the relative rights of the Seigniors and *Censitaires* should be clearly defined and specified, so as to prevent abuses and encroachments on either side.

I have never considered the subject of a Commutation between the Seigneur and his *Censitaires* maturely enough to suggest to the gentlemen of the Commission a plan that would be proper or even possible. I will even add, to express my opinion clearly, that I do not believe a change of tenure to be possible and practicable in the present state of affairs. If it be forced on the inhabitants, they will murmur; if an unlimited delay is granted to them, the thing will never be done. If the delay be limited, a great number will be obliged to leave their lands, and there will soon be an end of the Canadian people.

To effect a change of this kind, it would be necessary for the Province to pay at least the half of the indemnity due to the Seigniors. The proceeds of the waste lands and some other provincial revenues might be applied to this end.

Such are the observations which I humbly submit to the Members of the Commission of Inquiry on the feudal tenure. If I have not been able to throw new light on the subject in question, I have at least given the opinion which was asked of me, and have made proof of my consideration for those who have been pleased to honor me with their confidence.

(Signed) ANTOINE MANSEAU, Ptre.

N. B.—M. Brassard, Curé of Longueuil, being about to leave on a mission of several weeks, charges me to inform the Commissioners, that he is unable to busy himself on the questions which have been transmitted to him.

(Signed) A. M. Ptre.

No. 21.

Answers of Mr. Ricard.

St. MARC, 10TH JUNE, 1842.

(Translation.)

SIR,—In answer to your letter of the 25th May, I shall make a few observations, and tell you what is thought by almost every one. May the public voice, then, at length be heard, and obtain those improvements which have been so long and so ardently desired!—For, you must be aware, the feudal tenure is so contrary to the general interest,—it is so detested, that the people for a length of time have been complaining of it, and demanding a change.

21.—The Seigniorial rights are so onerous, so detested, and the people wish so ardently for their extinction, that in '37 and '38, they were excited and led to rush or destruction, by being told "you shall pay no more rents, you shall pay no more *lods*."—I will add; assuredly, do away with the Seigniorial rights, and you will lessen by one half the general discontent. However, notwithstanding their hatred for Seigniorial rights, notwithstanding their desire to be freed from them, the *Censitaires* will not contend with the Seigniors, because they have not the means; the people are poor.

29.—The right of *Retrait* is, I believe, so rarely exercised, that it must be regarded as nugatory; that of *Bana-*

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lity is absolutely fallen into desuetude. The reserve of timber is only valuable in some new Seigniorics, where the Seigniorics have not yet completely destroyed the serviceable timber. There is nothing to take in other places; there remains, therefore, nothing but the *lods et ventes* which are worth something. As to the *lods*, is it not evident that the law which gives them to them is unjust and despotic? These hideous remains of barbarism; ought they not to disappear in an age like the present, in which civilization advances with so rapid a pace?—in an age which rejects every species of tyranny? What, we fear to abrogate an unjust law by means of which the Seigniors reap where they have not sown! Shall we see the people crushed under this same law, which deprives them of a part of the price of their labour, their industry, their money even, without having the courage to oppose this injustice? Shall we allow the weak to be oppressed, through fear of contravening the strong; shall we fear to be unjust towards the powerful, and leave thousands of individuals to suffer every kind of injustice, without indignation? But, in a word, is not the general good preferable to that of a few? Is it not better that the Seignior should suffer some loss, he who has already been often indemnified, rather than that the people should be left any longer to groan under the weight of an unjust and barbarous law? A fact will make me better understood. A father gave his property to his son on condition of his paying him a life rent: the son sold his land to a third party, and the land was handed over to the Sheriff by the Seignior who had not received the *lods*. So that the father loses his life-rent; is turned into the road with his family, without clothes, without bread and without strength to gain a livelihood. . . . Abomination!!!

As to the rents:—let the proprietor be obliged to pay to the Seignior the Capital of the rent paid by his land according to the rate required by the French laws, and according to the price at which the Seigniors concede at present. And as to the other rights, let the Government indemnify the Seigniors, if it is apprehended that an injustice would be done them by extinguishing them without indemnity.

31.—A poor *Censitaire* has so little to hope for in suing a Seignior, that he often prefers to suffer every kind of injustice rather than contend, and thereby attract his notice.

39.—Assuredly, a change of tenure and the abolition of all Seigniorial rights would improve the condition of the country. You would see more energy, a new industry, manufactures, &c. enriching the country, &c. Your Commission would assuredly meet the wishes of the people, by labouing to do away with all Seigniorial rights whatsoever. If it is necessary to indemnify the Seigniors, the Government should do it: it will not be done by the *Censitaires*. At the very utmost, they might exact from them the capital of the rents, as required by the French laws, according to which lands were conceded formerly. The people have suffered long enough the injustice of the Seigniorial laws. It is better that a Seignior should suffer than the people.

I am, your most humble Servant,

(Signed) F. B. RICARD, Proc.

No. 22.

Answer of P. De Boucherville, Esquire.

(Translation.)

To Messieurs Vanfelson, McCord, and Doucet, Commissioners of Inquiry on the Seigniorial Tenure, &c.

Gentlemen,—Invited by a letter of the 31st May last, signed J. E. Turcotte, Secretary, in the name of the Commission of Inquiry on the Seigniorial Tenure, to answer several questions proposed to me, it is with pleasure that I seize this opportunity of laying before the Commission, the Legislature, and the public, the opinions which for a number of years I have entertained on the Seigniorial Tenure; opinions confused in truth, but which I will endeavor to

put in order. In this brief exposition I shall permit myself a few reflexions on the Draught or Bill for providing for the voluntary commutation, &c., which, by your order, your Secretary had the politeness to send me. The time and researches which would be requisite will serve as my excuse with the Commission if I am unable to answer all the various questions which they propose.

In a country whose existence dates only from yesterday, there may result from the feudal tenure temporary advantages for the *Censitaire*, if by wise laws the Seigniors are under the obligation of conceding at moderate and uniform rates; but if on the contrary they are permitted to concede at such rates as may please them, and to add thereto extravagant conditions (*droits conventionnels*) this tenure becomes vexatious; tends to discourage agriculture, and to paralyse industry. Another reason why the feudal tenure should give place to a tenure more in harmony with the spirit of the age, is that, from what I have observed and had occasion to hear, the feudal tenure tends indirectly to demoralise the people; this established, there may result therefrom consequences seriously affecting the future tranquillity of the colony, for from the demoralisation of the people comes the fall of empires.

The feudale tenure appears to me to be a violation of the natural law, inasmuch as it creates a privileged class which does nothing but live luxuriously on the labour of the *Censitaires*. While declaring my respect for those who entertain a different opinion on the feudal tenure, I cannot help confessing that I dislike the laws and usages of feudalism, for they remind me that my fathers were serfs, serfs of whom!—of self-styled lords, who for the most part, were but the slaves of tyrants.

Made greater by our disasters of 37 and 38, made greater by the past administrations, mis-administrations, which may be attributed to the imprudent counsels of Executive Councillors, and to the irresponsibility of one of the branches of Government, the Canadian Colonists of various origins, sigh for the moment when some benevolent hand shall restore them to happiness. Happy are we if this succour comes to us from the administration of Sir Charles Bagot. We feel the necessity of a radical change in every thing of the nature of an abuse, but our respect for law and good order imperiously requires us to await with patience the desired changes. One of the numerous abuses of which we have to complain will, I trust, soon disappear. The feudal tenure will give place to a tenure more consistent with our ideas of constitutional liberty, and equality before the Tribunals; no more Seigniors, nor vassals, nor villains, but all brothers, and subjects of Her Most Gracious Majesty the Sovereign of the British Empire.

“A nation is not bound by the will of a King—but Kings are bound by the will of nations.” Here, our Most Gracious Sovereign anticipates the wants of her subject; the people always grateful, will know how to appreciate this great favor, and bear to the foot of the Throne their gratitude, their respect and their devotion. Her Majesty desires to break Seigniorial servitude, to make free subjects of us, and to prepare our future. Glory, honor, and happiness be hers.

The free and common soccage is a tenure unknown to the Canadian inhabitants of French origin: to wish to introduce it in place of the feudal tenure, is to wish to disgust us with the changes proposed by Government; it would go to convince us that there is a wish to annihilate us as Canadians, that we may become an *English people*; an impolitic measure which cannot but have a result prejudicial to the public tranquillity. We are and will remain Canadians, either as Colonists or, some day, as a nation. Your legal information enables you to judge of the excellence of our laws which (if I am rightly informed) are far superior to the English laws. I desire to see the feudal tenure done away with, for the reasons above cited, but not to see the extinction of our laws, because they cannot be replaced. In place of the feudal tenure, I should be inclined to recommend the *franc-aleu-roturier*, which change, far from displeasing, would gratify our inhabitants.

The fifteenth section of the draught or bill above cited declares “that Her Majesty as Seignior Suzerain: shall be

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entitled to a fifth of the amount thus received by the Seigneur yearly, as compensation for the diminution of the value of the *droit de quint* and *droit de relief* on such Seignior; provided always, that every Seigneur who shall not hold directly of the Crown, shall give such condition as above mentioned to the Seigneur of whom he shall hold and shall pay him a like sum as compensation for the *droit de quint* or *droit de relief*. I cannot help suggesting that the first of these claims should be abandoned, at least in a great number of Seigniories: under the French Government almost all the Seigniories were conceded with the right of Seigniorial Justice. This *droit de justice*, was a useful right which in certain cases might double the revenue of the Seigneur. This Seigniorial Justice has been forcibly taken from us without any indemnity. Now, that the Seigniorial and feudal laws are on the eve of giving place to laws more in harmony with our ideas, it appears to me that it would be but just on the part of Government to abandon this claim, at least in favor of those of the Seigniors who have not by any act of theirs, either directly or indirectly recognised the legality of this spoliation. In the beginning, the Seigniors, moved by a desire to meet the wishes of the Sovereign, and to advance the establishment of the colony, made great sacrifices, conceding at rates extremely moderate, at a rent almost nominal; many made concessions *en arrière-fief*, some large, others smaller, all depending on the principal domain, and all subject to Seigniorial Justice; the greater number of these *arrière-fiefs* are regulated by the *Coutume de Paris*, but there are some which are governed by that of *Vexin le François*. The larger *arrière-fiefs* have been, according to the intention of the law, generally conceded a *titre de cens* to the extent of two thirds; the remainder constitutes the domain of the *Seigneur Vassal*. As to the *arrière-fiefs* which have been conceded according to the custom of *Vexin le François*, they are and have always been a means of wealth for the Seigneur, inasmuch as they give to the Seigniors the *relief* or produce of the year at each mutation, either by sale or succession, or testamentary disposition, whether in the direct or collateral line or otherwise. In support of my position, I submit to the consideration of the Commission two examples by which they will see that this tenure is a source of wealth for the Seigneur. In the Seignior of Boucherville, Ile St. Joseph, a land of one hundred and thirty arpents in superficies has given to the Seigniors within the space of twenty years three mutations or *reliefs*, two of which are paid and the third not yet claimed: the first of twenty five pounds currency; the second of fifty pounds or two hundred dollars. Another land of thirty arpents also in superficies has given in the space of thirty years four mutations or *reliefs*, of thirty, twenty and fifty dollars, the last claim being not yet made. I trust that you will see that justice is rendered to those interested.

I believe that my opinion coincides with that of the Commission on the necessity of proceeding gradually, and after a few years by coercion to the destruction of this Colossus which creates a distinction between the subjects of Her Majesty other than the distinction which attends virtue, talents and services rendered to our country. As to the means, that is another matter. The extent of your information, your skill in business, every thing, in a word, assures me that I may repose entire confidence in your proceedings, and submit with cheerfulness to the measures which shall be adopted by the Legislature. Nevertheless, the earnest desire which I have to be of some utility to my fellow subjects, as well as your invitation, induce me to submit to you a project of commutation, which, if it is approved will, I trust, have the effect of reconciling the *Censitaire* to the expenses which must attend the change of tenure. While it should respect the rights of the Seigniors, this change should be made to favor the interests of the people, if it were otherwise, I should be the first to exclaim against all innovation. The Seigniors should be indemnified, they should have the value and nothing but the value and price of what they give up. This idea being well understood, there remains nothing more than to indicate the means, which I shall do as briefly as possible.

A century must pass before a voluntary extinction of the Seigniorial rights could be effected; this slow and uncertain change would bring on the utter ruin of the Seigniors, and that is what should be avoided. To compel the parties would be assuredly an act of tyranny which would find an

excuse in its necessity and in the advantage accruing to the majority therefrom. What shall we do? Adopt a middle course.

During the first ten years after the passing of the law, the commutation should be voluntary between the parties, if possible; if otherwise, it should be in every instance voluntary on the part of the *Censitaire* and compulsory on the Seigneur; the *Censitaire* paying the Seigneur, on the valuation of skillful appraisers, a fifth of the real value of the property enfranchised, the arbitrators to be named, one by the Seigneur, the other by the *Censitaire*, and if it becomes necessary to name a third, such nomination to be made (on the application of the parties) by the Judge of the Judicial District in which the Seignior may be situate. If the *Censitaire* commuting requires time for the payment of the amount of the commutation, let the Seigneur be held to grant it to him for a term not exceeding ten years, the *Censitaire* paying the legal interest of six per cent.; the security granted to the Seigneur should be that of *baillleurs de fonds*. When the ten years are past, let the Seigneur or any five *Censitaires* be entitled to demand the purchase or forced commutation by a requisition posted on and published at the door of the Parish Church for three sundays, calling a general meeting of those interested, for such day of the week as may best suit the requirer or requirers, provided it is not a holiday. Then and there if the Seigneur and *Censitaires* agree, the deed may be drawn up by two Notaries, to be binding between the parties; if they do not agree, the Seigneur and the *Censitaires* either collectively or separately, should be required to make application to the Governor or person administering the Government, praying that three Commissioners to be appraisers and regulators, be named, who, after having been qualified according to the requirements of the law, should give notice at the Church door of the day when they would be ready to hear the claims of the parties interested, (the Seigneur and *Censitaires*), and after having taken the necessary evidence should proceed to make as arbitrators, an estimate of the total value of the *fief* or Seignior altogether, taking as a basis of such valuation the probable amount which the Seignior might bring by forced sale; they should then value the following property which should remain compulsarily the property of the Seigneur, diminishing by so much the valuation of the *Fief* or Seignior; that is to say, first, the manor and lands attached to it; secondly, the domain; thirdly, the mill or mills, taking care to deduct from the real value of the Seigniorial mill one third inasmuch as the *Censitaires* being no longer obliged to grind their corn at the mill of the Seignior, the property will be lessened in value to the Seigneur; fourthly, the unconceded lands at the rate of \$ — the arpent; lastly, the voluntary commutations which may have been paid or settled in the course of the ten preceding years, leaving the residue or balance to be paid by whom it shall concern. The Commissioners should be required to draw up a *procès verbal* of their operations, a copy of which should remain with a Notary in the Seignior during three weeks for the information of those interested, after which it should be incumbent on the said Commissioners to require the homologation thereof before the Superior Court of the District, and in case of opposition to the said homologation, the Court should give its judgment; and if the *procès verbal* were rejected, those interested should be under the obligation of proceeding *de novo*, and the Governor should appoint a new Commission. If the *procès verbal* be homologated, it should be binding on the parties. The value of the *Fief* or Seignior being definitively ascertained, it is required to adopt in the payment for emancipation from Seigniorial thralldom, the mode least onerous for the *Censitaires*. The mode which I think most advantageous, consists in leaving to the *Censitaire* the choice of paying the amount of his purchase either at once, or in ten years, on paying the interest annually at the rate of six per cent.; or, in fine, by keeping the amount of the commutation à *constitution de rente*, paying annually an interest of eight per cent.; such *constitut* being redeemable at the option of the debtor. As to the apportionment of the commutation money between the *Censitaires*, there is nothing easier, they may follow the mode in use when it is required to make an apportionment for the building of churches, construction of bridges, &c.; the main point would be to let them act by themselves, with power to name *experts* if they think it necessary, so as to establish the amount which each *Censitaire* should be obliged to pay for his just share of the commutation money. I am per-

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sueded that the strictest justice would be observed in the apportionment; however, as I may be deceived, if any difficulty should arise, such difficulties might be submitted to the Commissioners whose decision, as arbitrators, should be without appeal.

The Seigniors enjoy certain rights both of honor and profit in the Parish Church of each Seignior: the rights of profit are, a double pew in the Church in front of the Church Wardens' pew, and the right of sepulture for themselves and their family, without being required to pay for opening the Church. These profitable rights must be paid for by the *Fabrique* and placed to the credit of the *Censitaires*. As to the rights of honor. I reckon them at—0.

The Commissioners should be reimbursed and indemnified both for their labour and their expenses, one third by the Seignior and the remainder by the *Censitaires*. The certificate of commutation should be given by the Commissioners; the arrangement between the Seignior and the *Censitaires* for the payment of the purchase or commutation of Seigniorial rights, might be made by deed before a Notary and two witnesses, or before two Notaries.

Should the Committee desire any explanations, I will, on their intimating their wish, hasten to make my explanations in person.

I have the honor to be, Gentlemen,  
Your most obedient Servant,

(Signed) PIERRE DE BOUCHERVILLE,  
Seignior of Boucherville  
and Verchères.

Boucherville, 20th June, 1842.

The gentlemen of the Commission of Inquiry on the Seigniorial Tenure, are respectfully requested to be pleased to correct the slips which they may perceive in my letter of the 20th June last, that is to say:—in the second paragraph, after the word "feudal" should be added "and Seigniorial;" third paragraph, after the word "feudal" should be added "and Seigniorial;" fourth paragraph, after the word "feudal" should be added "and Seigniorial;" sixth paragraph, after the word "feudal" should be added "and Seigniorial;" seventh paragraph, after the phrase "that justice is rendered to those interested," should be added "the vassals of the Seignior are obliged to render *foi et hommage* to the Seignior of whom they hold. This act of servitude has been performed in my presence;" eleventh paragraph, after the phrase "the certificate of commutation should be given by the Commissioners" should be added "specifying that all feudal rights, Seigniorial rents, and conventional rights are for ever abrogated," after the word "Seigniorial" should be added "feudal and conventional."

Office of the Commission of Inquiry on the Seigniorial Tenure.

(Signed) PIERRE DE BOUCHERVILLE.

Montreal, 12th July, 1842.

No. 23.

Answers of J. B. Dupuy.

LAPRAIRIE, 12TH JULY, 1842.

(Translation.)

SIR,—I entreat you to excuse my not having sooner answered the Circular dated 20th May, which you addressed to me and which came to hand the 24th of the same month with the accompanying documents. You may not believe me, but it is really true that indisposition and pressing business at my office have occasioned my delay in answering your Circular, by which you request me, on the part of the Commissioners of Inquiry on the Seigniorial Tenure, to assist them in the important task which has

been confided to them, by sending them answers, and ample and extended details, to the various questions submitted to my consideration.

In reply, I entreat you to believe that I gratefully appreciate the honor which these gentlemen and yourself do me by addressing to me the series of questions inclosed in one of the documents, which requires on my part many inquiries to be made of all persons who like myself have truly at heart the happiness and prosperity of all the inhabitants of this country, who cannot succeed unless they are relieved from the heavy burthen arising from the system of Seigniorial Tenure which has always oppressed them, and which now reduces them to a state of distress, which is doubtless known to all persons residing in this country, of whatever class they may be.

This task although most important and interesting, requires too long a time for me to acquit myself of it, inasmuch as it would oblige me not only to put numerous questions to a host of *Censitaires*, but also to make copies of acts and various other papers and documents, so as to bring to light and display all the obstacles and hindrances which are united against the *Censitaires* as respects the system of feudal tenure in this country; this would be too onerous a task for me. I do not require to consult any one to tell you candidly that in my humble opinion, formed after long consideration, all Seigniorial rights, without a single exception, are an absolute and pernicious curse on the happiness and prosperity of the inhabitants of Lower Canada, and ought naturally to be entirely abolished, in order that we may be able to see the inhabitants of this country prosper, and remove, in a few years, its backwardness as compared with the surrounding countries, in improvements and arts of all kinds. They are so prejudicial to the inhabitants, that I can say with safety that, if we have had an insurrection in this country, we may assign the Seigniorial Tenure as the cause of it. What induces me to say so is, that since I have been received as a Notary, I have been enabled to gain much confidence and influence among the inhabitants of the Seignior of Laprairie, and among many others, so to say, of all the neighbouring Seigniories; under these circumstances, I asked them for the reasons they had, and of what they had to complain, that they should have been excited to revolt,—they answered me that it was to bring down the Seigniors, who were their ruin, and that by this means they hoped to do away with the Seigniorial Tenure.—I do not mean by this that each Seignior respectively should lose his rights without being indemnified for the value of his Seignior; on the contrary, I should wish to suggest what I believe to be an effective mode of procedure, which would be to cause the Seigniories and *Fiefs* to be estimated by three 'experts' and referees, or arbitrators, chosen by the Seigniors, and as many on the side of the *Censitaires*, and in case that these six persons should differ in opinion, that they should choose three other persons as a third party, the majority of whom should establish the value of each Seignior or *Fief* as depending upon the land only and not including, for equity's sake, the buildings and edifices which might be found to have been built by the *Censitaires* on lands within the same, these being the produce of their own labour and savings, and erected without any aid or participation of the Seigniors, although the *lods* on them now produce a profit to the Seigniors, to the great prejudice of their *Censitaires*, out of the incomes of these latter, and for nothing. The valuation of each Seignior being made, it would clearly be very easy to apportion among the *Censitaires* of any Seignior so valued, the amount to be paid by each, which would give to the Seignior of any Seignior or *Fief*, in my humble opinion, a just and handsome compensation, by his receiving the value of his Seignior for and in place of the Seigniorial rights, which are found so prejudicial to the resources and prosperity of the *Censitaires* by reason of the charges, reserves, servitudes and obligations imposed by the deeds of Concession, which, as a notary, I am well acquainted with. Then, that the *Censitaires* may be able to meet this estimation and make good the payment to the Seignior; let each *Censitaire* be required to reimburse by eight equal payments, during the space of eight consecutive years, the sum to which the valuation of his land, with interest until the full payment of the same, shall amount; or else, let this sum remain in the hands of the *Censitaire à titre de constitut*, redeemable by one payment only, or by

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several, at his option. So that by the preceding mode or plan the system of Seigniorial Tenure will be entirely abolished, and the lands will be held by the *Censitaires* in free and common socage. But to do this, let a law for the above mentioned purposes be passed, so as to oblige the Seigniors to conform to it. And moreover, as to the property of the Jesuits devolved to Her Majesty, of which the Seignior of Laprairie constitutes part, taking into consideration that the revenues according to the primitive title of the same should have been employed in educating the youth of this Seignior, which has never been done since the extinction of the Order, this defect of fulfilment ought to give the *Censitaires* some advantage over those of other Seigniories which do not form part of the Jesuits' Estates, they having been always deprived of these revenues which would have contributed much to the welfare of the youth in the Seignior. I do not suggest this, with the view of instructing the gentlemen of the Commission thereupon, knowing as I do that these gentlemen will be better able to judge of the matter than myself. I request you to excuse my making these observations and remarks, being very certain that you would rather have had my answers to the series of questions inclosed in the circular than my suggestions. It is very true that the urgency of my business, both professional and otherwise does not permit me to do so, as I should lose too much time; but the whole may in my humble opinion be reduced to the simple suggestions I have made, which perhaps will not be of any use to you, but may help to give rise to some other system of law which may provide for the happiness and prosperity of the inhabitants, by destroying the present system of law which establishes the Seigniorial Tenure, which is the most earnest desire of him who has the honor to be,

Your very humble and obedient Servant,

(Signed) C. J. B. DUPUY.

No. 24.

*Answers of the Reverend Mr. Paquin, Priest, St. Eustache, to the questions submitted to him by the Commission on the Seigniorial Tenure.*

(Translation.)

1.—Yes, in the Seignior of River du Chêne, part of Mille Isles and of the Lake of Two Mountains.

2.—Since 1824.

3.—The proprietor of the 1st lot was James Ortie, who had possessed it 25 years; of the 2nd Benjamin Lavigne, 12 years; of the 3rd Mr. Dumont, senior, who had received it from the domain of his ancestors; and of the 4th Hyacinthe Leclair, 27 years. There are many lands in this Seignior the names of the owners of which have not changed since. The original concession of 1736 and later, such are those of the Rochons, the d'Os, the Guérins, the St. Jacques, the Gurdons, the Laplantes des Bourdos, the Proux, the Labrosses, the Lemaire St. Germain, Joseph Denaut, the Vaudets, the St. Pierre, the Groux, &c.

4.—Neither of the one nor the other.

5.—The deeds are worn out or lost in the changes.

6.—I have a *titre-nouvel* for my two first properties, of which I changed one for that of Leclair who has none. I produce my own.

7.—No one, the sellers had not taken any.

8.—There is no other than that of the reserves of pine, oak, and cedar timber, roads, mill sites, and sites for bridges which have been omitted in the *titres-nouveaux*. The rest is the same.

9.—The land on which I reside, near the village, and in the 1st range, contains  $1\frac{1}{2}$  arpent in front by 40 in depth, at the end of which it becomes  $4\frac{1}{2}$  by 20. By the side of and adjoining the continuation, I have a domain property

without *rente* or *cens*, by Sheriff's deed dated 1833, of 3 arpents in width by 40 in length. A natural meadow of  $7\frac{1}{2}$  arpents in superficies situated in the 4th range, *Petit Brûlé*; and another of 6 arpents in superficies in the 1st range of the Seignior du Lac, Côte St. Joseph.

10.—Yes, the greater part, voluntarily in 1830. Mr. F. P. Globensky was the Notary.

11.—Yes, against the reserves which I have just mentioned, and which have been abolished.

12.—No, with the exception of the reserves already mentioned.

13.—Five: the 6th is in ruins, as well as the 5th.

14.—These mills are open to all who wish to go to them. People come to them from other Seigniories, and the people of this Seignior go elsewhere when they please without any one having been sued to my knowledge. Besides, none being able to work at all seasons, some being without water and others having too much, they could not ground the grain of the inhabitants within twice twenty four hours in conformity to the *Ordonnance* of the *Conseil Supérieur* of the 1st July, 1675; but as they are never out of working order at the same time they are always amply sufficient for the wants of the people.

15.—For grinding grain generally. For the benefit of the Seignior and the public convenience. They are all on the same footing. As it is customary to sell the grain in its natural state, there is little flour made, and in consequence no manufacturing mill, properly so called.

16.—Before the failure of the summer crops, the two mills of the rapids gave 2500 *minols*, those of *la Dalle* and the village 1000 to 1500. The site of the rapids is worth from four to five thousand pounds. The buildings are unimportant with the exception of those of *la Dalle* and the village, the sites of which are very valuable, as well as those of the two other ruined mills. I think that these data will give a more just idea of the value of the mills than a valuation in block.

17.—No.

18.—Not here. It is a means of preventing frauds, and of preventing creditors from purchasing at too low a price. It is useful sometimes, but it is odious and infamous when the Seignior exercises it to get possession of lands and afterwards to sell them, loaded with heavy rents and reserves. This would be avoided by fixing the *quantum* of these rents and reserves according to the old rate, the legality of which has been recognized by the opinion of Messrs. Bedard and O'Sullivan.

19.—Not to my knowledge.

20.—If it has been so, it has been but seldom, and never to my knowledge.

21.—The *lods et ventes* are onerous when they are paid in full. In this Seignior the Seigniors have frequently abated one quarter in case of prompt payment. There is much discontent about the payment of the *lods* on new improvements, which payment appears unjust, for the Seignior having conceded nothing but the bareland, seems to have no right to that which is new upon it. Although custom or a gothic law, gives it to him. We know to what enormous abuses feudality has been raised in Europe and in some Seigniories of this country, which is no strong recommendation of the equity of the law of *lods et ventes* on the produce of the labours and industry of the *Censitaires*. It is moreover evident by some contracts of original concession, and by the Arrêt of the 12th July, 1706, that when the Seignior unites to the domain, or gives indemnity for what is wanting of the land granted, he takes no note of the buildings or of the improvements; why then does he do so against the grantee and not against himself? A desire exists to modify this payment of *lods* by paying only in proportion to the intrinsic value of the land itself, and not upon the improvements, but the commutation is only desired by those who wish to buy or sell; for then it is better to pay

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once for all, although at a higher rate, than to pay over and over again. But those who labour to transmit their property to their descendants have no interest in commuting at present.

For the rest, the Seigniorial charges are a scarecrow to speculators who would purchase the lands, to the great injury of agriculture and of the poor people who would soon find themselves without any means of having a patch of the land of their birth, as happens in countries where ready money does everything. This commutation of tenure is connected with considerations of a serious nature, especially in Canada East.

22.—They have been abolished as burdensome, although there was no obligation to keep this timber; but because it was necessary to take away the timber too soon, so as to withdraw it from the unjust requirements of the Seignior and clear the lands. The Seignior only reserved for himself what he might find on the land in the time of his wanting it; which as we may suppose annoyed the proprietors considerably, and cramped all industry as to the use of these materials, so useful for fencing, building &c.

23.—Answered by the last.

24.—Not to my knowledge. In order to commute at that time it would have been necessary to hold by common socage, which is abhorred by all the Canadian population. As appears by the address of the former House of Parliament of the 13th March 1826, on the resolutions of the Committee of which Mr. Vallières de St. Réal was Chairman, exclaiming strongly against the Statutes of the 3rd Geo. IV. chap. 119., and of the 6th Geo. IV. chap. 59., in so far as they had reference to the Seigniorial Tenure. These remonstrances were embodied as grievances in the petitions signed by ninety thousand persons in 1827. I shall develop, farther on, my ideas on this subject.

25.—I do not require any other tenure than the Seigniorial Tenure, modified, and freed from the unjust charges of *lods* paid on improvements, unless they are put at 5 or 6 per cent as in the Seigniories of the Seminary of Montreal. No reservations except the right of *retrait* in case of fraud, and of banality if there are good mills, &c. My objections are that change will alarm the Canadian population, who will believe that they are losing thereby their usages, their laws, their jurisprudence. And again, by adopting another free tenure, you will open the door to capitalists who will buy out the *habitans* by making them dependents, and farmers in place of proprietors as they are at present.

26.—Never to my knowledge has any Canadian *habitant* had the stupidity to ask a commutation for the common socage, under which the farmers of Great Britain and Ireland groan; this tenure is in effect destructive of the rights of the children by the monstrous irregularity which it introduces both into families and into society at large; and is the poisoned source from which emanate thousands of miseries diffused among the people. The eldest sons of speculators possess themselves under this common socage, of a quantity of land, which they take from the ignorant and the poor, and from proprietors to make them farmers and slaves.

The ruin of cultivation, the servitude of a people, come from these vast properties united under one sole master. Europe testifies to their fearful truth in all its horror. Here our Seigniorial Tenure, even with its abuses, has been the safeguard of the people against the spoliation of the rich. It would be so with even greater effect by pruning it of its irregular branches and purifying it. Is there in effect, anywhere, a more equal division of lands than in Canada?

At Rome, at Athens, the Agrarian laws never produced a more comfortable division, or at less expense.

The Canadians, thus proprietors and freemen, and paying but a moderate rent, abhor the socage tenure which casts on the American shores every year, so many wretched emigrants, who curse the hand of iron which kept them under the feet of the rich, drinking out of cups of silver the sweat of the great body of the people. We know already the difficulty which is felt in Upper Canada in obtaining

wild lands. The rates are excessive. There are no more payments after becoming proprietor, it is true, but if the sums which are given for the acquisition were put out at interest, they would give much more than our ancient rents and even the *lods et ventes*. Common socage is already condemned; let it be banished far from a land which it is wished to keep happy, and let the Seigniorial Tenure be preserved in name, by improving it; we shall then keep at distance the speculators, even more to be feared by the poor than the rents and the *lods et ventes*. As long as men of property look on our Seigniorial Tenure as the ancient feudality with its castles, ovens, dove-cotes, hounds, &c., the poor or the young farmers will not be troubled by them, and will not have to dread their fatal influence. To make the matter short, the introduction of the common socage, along with the civil laws of England, was attempted in 1788; it could not pass then, and would meet with still less success at the present day.

27.—Yes, without doubt, especially in villages where traffic is concentrated on the great public highways. The value of the buildings doubles that of the land, and is often much more. I have seen in this village building lots sold for four or five hundred pounds, the land of which was not worth £25. I would observe that the *lods* annoy the speculators, but are not very troublesome to those who purchase for themselves. What appears to me most injurious to the establishment of villages in the Seigniories is the exorbitant rate of the new rents; if they were lowered to the original rates, it would much improve the condition of the grantees in the villages. There, the original concessions are generally one dollar per *emplacement*; this price is very moderate, especially in the main roads. Well, let as much be given for secondary concessions; I think that every one will be satisfied with it.

28.—The new rent is complained of, not the old. Commerce does not suffer from the *lods*, except the purchaser for the moment. Let the rents be diminished and the *lods*; things will then be comfortable.

29.—I refer this plan to the commutation imposed on the Seminary of Montreal. If it be just for these Seigniors, it should be so for others, and besides I see nothing to reduce in it. But while we are awaiting a voluntary commutation on the part of the *Censitaires* and compulsory for the Seignior, I still claim the reform pointed out; that is, that the rents be reduced to the old rates, the *lods* paid on the value of the land only, or reduced to 5 or 6 per cent, if they are paid on the whole.

30.—Not to my knowledge.

31.—No, not in this Seignior.

32.—Not prior to that date; nor since, in this Seignior.

33.—I have seen some original deeds of concession, by which it appears that the lands paid two *sous tournois* for each arpent of superficies, and five *sous* of the same currency for the *cens* on all the grants of three or four arpents in width by twenty in depth. These concessions are of 1739, and in the first range. For continuations the rate increases and amounts to half a bushel of corn and a *livre tournois*, for twenty arpents of superficies, with the same *cens* and the same extent as for the first range. These three titles were given to the Sieurs Toussaint François Parent, and Jean Brouillet, the first and second are of the same date, 3d April, 1739; the third is of the 9th February, 1762. I see no difference for the other lands of this Seignior, at least there are no complaints.

34.—Not in this Seignior. } Such cases may be found  
35.—Not here. } in the *Edits et Ordon-*  
36.—Not here. } *nances* of 1711, 1721,  
and 1727, &c.

37.—The answers from Lotbinière, Ste. Thérèse, Vaudreuil, the Cedars, and Beauharnois, should furnish ample materials for answering this question. Some of these parishes, if I am not mistaken, have addressed the House of Assembly of Lower Canada, on the legal opinion of Messrs. Bedard and O'Sullivan.

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38.—Answered by the preceding.

39.—I adhere invariably to the Seigniorial Tenure modified and freed from the reserves of timber, *corvées*, the surplus of the new rents over the old, and the *lods et ventes* being only paid on the land itself, or at a rate of 4 or 5 per cent., for this only will truly work for the good of the people. Moreover, I should wish that liberty of commutation were given to him who should find his advantage in it, on the conditions adopted for the Seigniories of the Seminary of Montreal.

But I hold that a forced and immediate commutation would be the ruin of the inhabitants, by giving them over to the most unjust speculation and to the cupidity of the rich. The sole means of bettering their condition is to lessen their burdens, they will then bless the beneficent hand that brings them relief. Whereas, by depriving them of the tenure to which they are accustomed, prejudices and just fears will be excited among them: fears either of losing their laws, their ancient usages, their jurisprudence, &c., or of being exposed thereby to taxes on their lands.

40.—For a very long time back, I have had occasion to discuss the present subject with Seigniors and *Censitaires*, and the more I reflect on the consequences of an equitable change of tenure, (not wishing to despoil the Seigniors, like the tenants on the lands of Van Renslaer, in the vicinity of Albany, in 1839, without giving them a proper compensation) the more I discover of impediments and perils for the Canadian *habitans*.

For these reasons I still repeat, that in trying to throw off the present tenure, we must confine ourselves to giving power to the *Censitaire*, to commute in the course of time and of his own free will; and even the name of Seigniorial Tenure should not be changed. For an abrupt change in the usages of a people can never be effected without shock or inconvenience; a reform should be effected justly but gently. I should wish then, 1stly. That we should begin by placing the seigniorial rents at the old rate of 2½ or 3 *sous* for every *arpent* of superficies, payable in money. 2ndly.—The *lods et ventes* to be paid on the value of the land itself, as it would be estimated if paid for in ready money and not sold on credit, as is the usual mode of sale, and by which the *lods* paid on the interest of the surplus or consideration for the deferred payments. This valuation should be made by arbitrators named by the parties, and the third one by the arbitrators themselves, or by a Court of competent authority. Or otherwise, which I should prefer, the *lods* to be paid as at present on the price in the deed of purchase, but at 5 or 6 per cent. 3rdly. Let the reserves for roads be abolished, unless on the front, &c., but abolish reserves of bridge-sites, mill-sites, to be taken without payment, serviceable timber, &c. on the lands, all which reserves are set forth in certain deeds; I leave the right of *retrait*, *banalité*, &c., which may sometimes be employed to prevent frauds or acts of injustice; such is the right of *retrait*, and that of *banalité*, which also prevents the erection of a greater number of mills than are necessary, whereby they frequently become unprofitable. 4thly. I should wish that in adopting this reform of the abuses of our Seigniorial Tenure, a commutation should be adopted voluntarily on the part of the *Censitaire*, and compulsory on the part of the Seignior, on the conditions provided with regard to the Seminary of Montreal. 5thly. Let there be a reduction in the exorbitant rents of some Seigniories, which are actually immoral extortions, and let the concessions of building lots in the villages be fixed at one dollar, and one dollar and a half in domain lands. 6thly. Let the name of Seigniorial Tenure be preserved, which in time will become free Seigniorial Tenure. I am convinced that with these modifications the *habitans* will not think much about commuting, unless in certain cases. This gradual operation is exactly what will ensure the success of this new system. I have already said that we must not go too fast. In effect, if the commutation were hasty or compulsory, what would the Seigniors do with the purchase money? Some would doubtless make speculations, good or bad; but how many would buy lands to put out their capitals to greater advantage? And how many would there be who would perhaps push their debtors in order to make them sell at a lower rate? If an arrangement is made with the Seigniors for an annual rent, this rent becomes a much heavier burden than the present rents. And more than this, if there is a forced commutation, a

great number of proprietors will become the prey of the capitalists and will be farmers and dependents on the inheritance of their forefathers. Then, will be seen no longer that beautiful division of the lands which affords in our country-parts so very delightful a prospect; which circumstance has been remarked and extolled by Raynal and almost all the writers on Canada. You will see the capitalists remove the many agreeable places of residence, placed at equal distances, to offer only the hideous spectacle of farm houses fallen to ruin, of serfs bowed beneath the yoke of the wealthy, and the most degrading servitude. This is not mere imagination. History, and all the writers of the world, unroll to us this fearful truth. What! Is not Ireland the type of all possible evils; there, with her millions of paupers, at Dublin, at Cork, Limerick, Waterford, Tipperary, Clare and Mayo, to assure us of it? The fall of empires, intestine convulsions, have the same origin. The people so long preyed upon by the rich and the avaricious, awakes as a lion and bursts its bonds, but in the meanwhile what miseries and sufferings! Let us take care that, in wishing to discard our Seigniorial Tenure, which has served to frighten away these famished wolves, we do not open to them the gate of the fold.

Our House of Assembly was actuated by this fear when it opposed the change of tenure, and the people shared this fear with it at that time, and feel it even more so at the present day when so many evils have been seen to spring up—such as the Union of the two Provinces, Registry Offices, Taxes.—Let the Seigniorial Tenure therefore be reformed so as to allow voluntary commutation; but let us preserve the old and auspicious name of Seigniorial Tenure, modified in certain cases free. Such is the earnest desire of all those whom I have consulted on this question, and I have talked to many, and for a long time past.

41.—I have again to refer to the commutation for the *Censitaires* of the Seminary of Montreal. It appears to me equitable for both parties, with the general and uniform modification which I have already mentioned, until this voluntary commutation shall be effected.

42.—I am quite certain that the modification already several times pointed out, will be quite satisfactory to the *Censitaires*, especially those who are under the *régime* of the *concessionnaires*.

43.—I do not advocate the urgent necessity, but the fitness of a voluntary commutation on the part of the *Censitaire*; and more especially, a modification in the charges. Now in either case, arbitrators are sufficient. The Courts themselves always refer to their decision, contested matters of valuation.

44.—I have seen this Bill, and my objections to it are these: 1°. The Title might be as follows; "An Act to regulate *rentes*, *lods et ventes*, and other Seigniorial dues, in a uniform manner in Canada East, and to allow the commutation of the same in certain cases," or any other words of the same import.

ART. IV. 2°. Let there be no mention made of Registry Offices, which should be remodelled or abolished.—Besides, this would be the business of the parties who must follow the law then in force.

ART. V. "May effect in such manner &c." That for example which is adopted for the Seigniors of the Seminary of Montreal.

ART. XI. Strike out the word *socage* which cannot be employed in this sense in French, and which sounds very badly to Canadian ears; *Free Seigniorial Tenure* would be better. Strike out also those alarming words, "until such laws shall have been changed by competent authority," the poor Canadians are enough and too much shuffled about at the present time; do not announce any more future annoyances; there are already too many.

ART. XV. The rate of one-fifth imposed on the Seigniors, to be paid to the Government, is too high: what would remain to them for themselves? It would be necessary therefore to make an additional charge on the poor *habitans*, 2 or 3 per cent would be sufficient. The Sovereign authority

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ought doubtless to lower the dues to be paid into the public chest rather than those to be paid to the Seigniors. Besides, we ought not to look upon the commutation money of all Lower Canada as a little matter; and the fifth of the whole would go into the chest of the Union, to pay the enormous debt of \$25,000,000 for Upper Canada, which already takes but too much from Lower Canada. As this Bill speaks only of a voluntary commutation, it would effect nothing. The commutation must be voluntary for the *habitant* who pays, and compulsory on the Seignior who receives the payment, as in the Seigniories of the Seminary of Montreal. But in the meanwhile, the modification so many times mentioned is still necessary.

45.—I am not aware what right the Seignior may have by his own titles, but what he exacts in the original deeds of concession in this Seignior which I have already referred to, is as follows: 1stly. That there shall be paid annually two *sous tournois* for each arpent in superficies, in the first concession, and one-half *minot* of wheat with one *livre tournois*, and five *sous* of *cens* for each twenty arpents in superficies, for every lot of three or four arpents in breadth by twenty in depth in the continuations. 2ndly. That the *lods et ventes* should be paid at the rate of  $8\frac{1}{2}$  per cent, taking off sometimes  $\frac{1}{4}$  per cent. The whole payable at the Seigniorial Manor. 3rdly. A prohibition to sell to persons who would hold in mortmain or to communities, and to put *cens* upon *cens*. 4thly. To begin clearing forthwith, and to have some one actually resident on the land. 5thly. To give the necessary opening for air to the neighbouring property. 6thly. To allow, on his land, the roads which the Seignior shall deem necessary to be made there. 7thly. Reserves of mines and minerals, of pine timber, oak, cedar, for the building of mills or of a church, parsonage-house, &c., or for any public work. 8thly. Right of *retrait* and of *banalité*. 9thly. An obligation on the part of the *Censitaire* to pay for the deed and for marking out the limits of the lands to him conceded, by a sworn Surveyor within twenty days. "And if the tenant, his heirs, or representatives, shall have failed in, or contravened, any of the above clauses," says the deed made by the Sieur Dumont, acting by the Sieur Cressé at that time his tutor, to Toussaint Parent, on the 9th February, 1762, "in this case the Seignior may, if it seems good to him, take back the said concession without any formality of procedure being on this account observed by the said Seignior, in which case these presents shall be null, and shall only serve for the purpose of enforcing payment of the arrears which shall then be found to have fallen due, and all lawful costs and expenses, without the said tenant, his heirs or representatives being able to require that he or they should be indemnified for the labor, and buildings which they may have made or caused to be made on the said concession: for thus, &c., promising, &c."

(Signed) C. F. CARON, Not.

Isle Jésus, 9th February, 1762.

It is evident from the words which I have understood, that the Seigniors do not recompense the toil of the *Censitaire* when they take back his land, they are therefore less justifiable in making him pay the *lods et ventes* on his industry, &c. It is the law of the strong and the rich against the weak and the poor, an abuse which it seems to me might be reformed by the payment being made only on the value of the land conceded by the Seignior; the land improved, cleared, and in the centre of a more dense population gives enough of *lods* without imposing them on the industry and toils of the *Censitaire*, at least such is my conviction.

46.—I refer again to the mode adopted for the Seigniories of the Seminary of Montreal. The work is already done, and well done, as it appears to me.

47.—I would reduce the whole charges to  $2\frac{1}{4}$  or 3 per arpent in superficies for all concessions without exception, leaving the right of *retrait* and *banalité*, and of taking sites for bridges and mills, on the Seignior paying the value of the land he should take from the *fond*, and fixing the *lods* at 5 or 6 per cent. or allowing them only the value of the land itself.

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48.—I believe the Commission has included every thing which could throw light on the important question of the tenure of lands in Lower Canada. I venture however to call their attention to the dangers of a prompt and general commutation, as well as to the inconveniences resulting from large proprietorships and from common soccage. While I frankly applaud the putting of the questions, I claim indulgence for the answers on the ground of the good will and sincere intention which have impelled me to give them (as is evident) in the most unreserved manner.

N. B.—I have spoken of 5 or 6 per cent. as the rate of *lods et ventes* only to assimilate the other Seigniors of the Province to those of the Seminary of Montreal, whose invariable usage it has been to exact only 5 or 6 per cent., and often less.

The Montreal Journals for 1838, 1839 and 1840 are filled with discussions on this subject. I speak of it here in order to call to mind the political end, ruinous for the French Canadians, which was contemplated by this change of tenure, and which should put us on our guard.

(Signed) J. PAQUIN, Ptre.

St. Eustache, this 22d June, 1842.

We the undersigned having attentively read the foregoing answers hereinabove, entirely approve of them, and adopt them for those which are required of us. The work is already done; which will save trouble both to yourselves and to us.

(Signed) HYACINTHE ST. GERMAIN,  
Surveyor.EMERY FERÉ,  
Surveyor.

St. Eustache, this 26th June, 1842.

No. 25.

Answers of Gabriel Marchand, Esquire, St. John's, to the questions submitted to him by the Commission on the Seigniorial Tenure.

(Translation.)

1.—I possess *en roture* 300 arpents of land in the Barony of Longueuil.

2.—Since 1816.

3.—Honoré Joubert and Janvier Nourmandain.

4.—I have none.

5, 6, 7.—The minutes are in the Office of Mtre. Chaboillor, they bear date 18th July, 1797, the deed is made by Sieur Alexander Grant to Joseph Gervais, for four arpents of front; and the six other arpents in the Office of Mtre. J. G. Bourassa, the deed being made by Sieur Alexander Grant to Honoré Joubert. My own titles are from the Sheriff of Montreal, and are dated 25th Sept. 1817, and 3rd June, 1835.

8.—I do not think there is any difference.

9.—Ten *arpents* in front by thirty in depth, on the River Richelieu.

10.—No, but they are on the point of doing so on the requisition of the Seignior, Mr. Grant. I think the Notary is to be Monsr. Lacoste.

11.—The *habitans* are in general discontented with the charges and rents imposed on the lands, and with having to pay expenses which are useless for them, although they do not dare to say any thing, knowing that according to the law as it stands at present, they must submit to this.

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12.—There is not a single *habitant* who is satisfied with it, and who would not object to it if he thought he could gain anything by so doing.

13.—I do not know of any that can come under this denomination.

14.—I cannot say.

15.—I cannot say why they were built, nor can I tell the views of the Seigneur when he built them; but I know there is a steam mill at Longueuil, and a water mill at L'Acadie, which last has never supplied the wants of the *habitans*.

16.—I do not know.

17.—I have purchased my land at Sheriff's sale, and the Seigneur did not exercise his right of *retrait*.

18.—This right is not only onerous but very unjust, inasmuch as it deprives the *Censitaires* of the profits which they might make on their purchases, to enrich the Seigniors.

19.—I do not know of any.

20.—Rarely.

21.—This is what the Inhabitants complain most of, and I venture to say that they all desire to get rid of it, and to commute it along with the other Seigniorial charges and rents.

22.—It is an almost universal reservation in all deeds of concession.

23.—It does not prevent the clearing of the lands; it has been very seldom exercised; there is no complaint about it.

24.—Neither myself, nor any one to my knowledge.

25.—I should like to commute the Seigniorial Tenure for that of free and common soccage.

26.—I do not know.

27.—Much more onerous; inasmuch as an *emplacement* which in its primitive state is worth but a few pounds, becomes by the industry of an individual, worth hundreds; by which, after having worked for a considerable portion of his life, the individual finds himself cut off from one-twelfth of the fruit of his labours, to enrich the Seigneur, and impoverish and discourage the industrious man; the value of the buildings always far exceeding the value of the *emplacement*.

28.—Without doubt it is prejudicial. Who is there who likes to employ his time and money for the profit of others? It is generally complained of.

29.—I know of no other but to give the Seigneur a capital, the interest of which would be equal to the produce of these rights, that is to say, *lods et ventes*, *banalité*, and right of *retrait*, calculated on a moderate scale; as to reservations of timber, thank Providence it has been disposed of, for there is hardly any left on the Seigniorial lands. It has been destroyed by fire, and by being made marketable.

30.—I can give no answer; perhaps information on this subject might be had from the *habitans* of L'Acadie.

31.—I believe there have been some instituted by the people of L'Acadie.

32.—I know nothing of it.

33.—According to the ancient laws, the *cens* was one *sous* for one *arpent* in front by forty in depth, and one *sous* of rent for each *arpent* of superficies, the oak and pine, mines and minerals, being reserved; since that, the payments of corn, capons, *corvées*, &c. &c. &c., has been introduced.

34.—I cannot say.

35.—I cannot say.

36.—I do not think there has been any action instituted; the *habitans* have always feared the hatred of the Seigneur too much to go to law with him for this object, especially those, who wishing to establish themselves have hardly sufficient means to do so.

37.—I cannot say.

38.—Several years ago the *habitans* of L'Acadie presented petitions to the Legislature against the Seigniorial rights in general.

39.—Free and common soccage would improve the condition of the *habitans*.

40.—In answering this question, I shall repeat in part the answer which I have given to the 29th question.—As to the rents, by giving the Seigneur a capital, the interest of which would be equal to the rent, including the *cens*, he would have full and entire justice: as to the right of *banalité*, every *habitant* knows how much grain he gets ground in a year, generally from 40 to 80 *minots* of wheat, and from 20 to 30 of other grain; and by calculating what the 14th would give the Seigneur, taking one year with another, the result would be the amount of the capital which would have to be given to the Seigneur to give him an interest equivalent; but this should only be allowed to those Seigniors who have fulfilled their obligations towards their *Censitaires* by erecting Seigniorial Mills. As to the *lods et ventes*, I have already observed in my answer to the 29th Question, that it would be necessary to give an equivalent, but how to establish it? That is the difficulty. This right not being founded in any principle of justice, I do not see how justice can be rendered for an injustice, although it may be in accordance with the law, or with the present tenure. Some ancient concessions, made by the India Company, (*Compagnie des Indes*), stipulated, that at each mutation there should be given a gold medal of an ounce weight to the Company, and by the custom of *Vexin le François* (and there were some concessions here subject to this custom,) one year's revenue of a land was given at each mutation, which could not be any thing very considerable at that time. I cannot think that the Legislators who made this law had any other idea of subjecting to the *lods et ventes* any thing but the land itself, and not the buildings, which in many cases are worth twenty times more than the land, and which do not in any way owe their origin to the Seigneur, but to him who has laboured or expended his money to build them. Let then, the *lods et ventes* be done away with, though all the rest should remain, for they are the greatest hindrance to industry and to the improvement of the country, and also the most onerous of Seigniorial rights.

41.—It appears to me that I have answered this question by my answer to the preceding one. I will add, however, that when the amount of the capital which should be given to the Seigneur for his right of *cens et ventes*, *retrait*, *banalité*, &c. &c., and *lods et ventes* shall have been established (if it can be managed) the *Censitaire* should have the right of paying only the interest if he prefers it, or the capital, if such is his choice, without being limited as to time: as to all other rights which may be inserted in the deeds, they are no longer in existence, since the Seigneur himself is no longer held to the obligations which gave him these privileges, and which are happily extinguished by the progress of civilization.

42.—The Seigniorial Tenure might be modified by keeping the Seigniors to the primitive rents, by allowing them the right of *lods et ventes* only on the value of the mere land itself without including the buildings, leaving them the right of *banalité* on the same conditions as at present, and by cutting off all the rest, without excepting the right of *retrait*. This would certainly relieve the *Censitaires*, but is not so much to be desired for the advantage of the country as a change of tenure into free and common soccage.

43.—I think that the Legislature should decide without the intervention of arbitrators.

44.—I shall leave this question to more able persons than myself.

45.—Exhibition and renewal of titles; seven *minots* and

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a half of wheat, and seventeen *livres* four *sous* in money for *cens et ventes*; in case of sale the twelfth of the value of my property; right of *retrait*. As to the right of *banalité*, not having a Seigniorial Mill he cannot exercise it.

46, 47, and 48.—Perhaps the most equitable mode of establishing the value, in money, of the Seigniorial rights, would be as follows:—

I shall give my own land as an example, viz. ten arpents in front by thirty in depth, valued at £75 for an arpent in front by thirty in depth, gives..... £750 0 0

One-twelfth of this sum for <i>lods</i> and <i>ventes</i> .....	62	10	0
7½ <i>minots</i> of wheat for rent, at 6s. 3d.....	2	6	11
<i>Cens et ventes</i> payable in money.....	0	14	2
Grinding 60 <i>minots</i> of corn, 4 <i>minots</i> at 6s. 3d.	1	5	0
Grinding 40 <i>minots</i> of smaller grain, 3 <i>minots</i> at 2s. 6d.....	0	7	6
Compensation for the abandonment of the right of <i>lods et ventes</i> , of <i>retrait</i> , and of all other rights and reservations whatsoever, 15 per cent. on this sum.....	10	17	9
	<hr/>		
	£78	1	4

This is the sum which I should consider to be an ample, reasonable, and equitable compensation, and rather exceeding, than falling short of, the sum to which the Seignior would be entitled: for, it must be considered, that the abandonment of his right of *banalité* is only nominal; the Seigniors having already taken possession of all localities suitable for the erection of mills, this revenue would still remain to them. I should have therefore £78 1 4 to give to the Seignior, or the interest on this sum at 6 per cent. to obtain a quittance in full of all Seigniorial rights.

ST. JOHN, JUNE, 1842.

SIR,—In reply to the honor which you have done me in addressing to me a circular on the subject of the Seigniorial Tenure, I shall give you, after having answered the questions as laconically as possible, my opinion on this Tenure. 1st. I think that the discouragement produced by the system cannot but increase for the future, the necessary improvements in our manner of cultivating, requiring a change which can only be effected by the introduction of Europeans, who reject this Tenure. In consequence the Seigniories will remain unimproved while Canada West and the Townships will advance with rapid strides, although it be true that the former have many more advantages by their proximity to rivers and markets. I say this without casting reproach on my own nation, for I know that it is the want of experience which keeps us back, and that if some rich farmers of older countries were to be scattered among us, we should profit by their example, and we also should advance rapidly towards bringing to perfection a system of agriculture which would very soon raise us in the scale of society. 2d. This Tenure can only tend to destroy industry. For can the *Censitaire* prevent himself from begrudging the Seignior the twelfth part of his labour, which the Seignior takes from him at each mutation by force of law and under the appearance of fairness, although the Seignior himself may never have contributed to the improvement of the property which, although sold perhaps for a thousand pounds, was not worth a thousand pence in the hands of the Seignior, and would never have been worth more if it had remained in his hands? In a word, it is easy to prove that for a long time there has been a feeling of the imposition, the injustice, and the discouragement, which this system brings along with it; and to prove what I advance, I shall cite some passages contained in the answers given by J. Williams, Esquire, Solicitor General, and by the Honorable Mr. de Lanaudière, in 1790, to the questions of a Committee of the whole Council of Quebec.

Question put by the Council to Mr. Williams:—"Would a change of the French Tenure into that of free and common soccage, be advantageous?"

Answer of Mr. Williams:—"It appears that the fiction of the feudal tenure are annexed to concessions, bringing with it servile services, fines, alienations, &c. &c. *quints* and *reliefs* on lands held *en fief*, and *lods et ventes* and the

servitude of *banalité* on those held *en roture*, and in consequence a general answer to this question cannot be difficult, and I do not hesitate to say that a change of these tenures into free and common soccage, which is not subject to these appendages, would be advantageous to the *Censitaires*."

I cannot lay my hand on the answers of the Honorable de Lanaudière, but as far as I can remember, they gave a condemnatory detail of the fines and servitudes. I can however cite some resolutions of the Council. After having taken the different answers into consideration, the Council decided as follows:—

Resolutions of the Council, in 1790—

"That if the feudal system were one of the causes of the want of settlers and proportional weakness of the French Colony, tending to discourage both Royal grants and also grants by the subject, there can be no just reason for obliging the *Censitaires* to conform rigorously to the conditions of their grants."

"That this system was among the chief causes of the low condition in which Canada was found at the time of the Conquest by the British, is rendered more likely by the probability that many thousands of families would have found it to their advantage to abandon and retire from the dense population of the kingdom of France if the Government had given its lands here on easy terms."

"That the discouragement brought by this system to the settling of the old French concessions must be considerably augmented to the population of the Province, depending on the introduction of British subjects, who are known to dislike every other tenure than that of England; and the Canadian Seigniors would in consequence remain without the hope of increasing the number of their *Censitaires*, were it not for the predilection of the descendants of the French farmers for those usages which could be no longer suggested by motives of interest or recommended by example."

"That the granting of the unconceded Crown Lands in free and common soccage is essential to the increase, the strength, and the safety of the Province."

"That those who hold *en roture* could not but desire a change, and a discharge from the *cens*, *rents*, *lods et ventes*, and from all the other feudal charges which are annexed to the tenure by which they hold at present."

We see then, by these extracts, that it is at least half a century since the attempt was made to throw off this oppressive system of Seigniorial Tenure, and this should encourage us to put an end to it, since it has been, I venture to say, for a length of time disapproved of, since it is so yet, and will always be so.

If my health had permitted, I would have transcribed the scrawl which I send you, and which I might perhaps, by making some changes and corrections, have made it more intelligible, but, indisposed as I am, I cannot do it, and I have no one with me who could make a copy. I request you therefore to excuse me.

I have the honor to be, Sir,  
Your most humble servant,

(Signed) GABL. MARCHAND.

J. E. TURCOTTE, Esquire,  
Secretary to the Commission  
of Inquiry on the Seigniorial Tenure.

No. 26.

Answers of *Censitaires* of the Seignioriy of Beauharnois.

STE. MARTINE VILLAGE.

Pursuant to the Resolution passed at the meeting of *Censitaires*, held at the Village of Ste. Martine, on the 25th day

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of June instant, the Committee appointed to draught answers to the several Questions submitted by the Board of Commissioners, to the *Censitaires* of the Seignior of Beauharnois, assembled, when the following proceedings took place :

John McDonald, Esquire, Chairman.

The Series of Questions were submitted for the consideration of the Committee, and the following answers proposed and agreed to as those to be submitted for approval at a general meeting of *Censitaires*.

1.—In the Seignior of Beauharnois.

2.—From 50 to 40 acres.

3.—No answer.

4.—We furnish several.

5.—No answer.

6.—We furnish several.

7.—No answer.

8.—Refer the Commission to deeds furnished.

9.—Vary from 3 to 6 acres in front by 20 to 25 in depth.

10.—*Titres-Nouveaux* have been lately executed, and several objections have been made to accede thereto, Mr. La Blais was the Notary who officiated.

11.—Ten shillings was exacted from each *Censitaire*, and several objections were made as to the legality of exacting higher rents than those on which lands were originally granted, before Mr. Ellice acquired the Seignior.

12.—Such complaints were general, but seeing no means of bettering their condition, the *Censitaires* were obliged to accede to the terms of the Seignior.

13.—Six Mills in the Seignior of Beauharnois, some of them but recently constructed. Before they were erected, many of the Inhabitants underwent great hardships for want of such mills, many of them having to go from 15 to 25 miles to a mill, out of the Seignior, to have their grain ground.

14.—We believe they are.

15.—They are mostly used for grinding grain, raised in the Seignior Mills ; are considered profitable.

16.—We are unable to make a true estimate of the value of such mills.

17.—No answer.

18.—It is.

19.—No answer.

20.—No answer.

21.—Yes. It is very onerous, because in 12 mutations, whatever capital is invested by a *Censitaire* is altogether paid to the Seignior. It is generally complained of. We are desirous of commuting for all Seigniorial dues, giving a fair equivalent for *cens et rentes* in proportion to the original value of *cens et rentes*.

22.—Yes. Refer to deeds ; besides it is notorious, that all the lands were very nearly all plundered of the valuable timber, before being conceded. The timber was sold by the Seignior to Lumberers, and still reservations were made.

23.—It is very onerous ; it leaves the land in a bad state for clearing, and is generally complained of.

24.—Many applications were made, to have the lands in free and common soccage, but the terms asked by the Seignior were too high.

25.—No objection to commute into either the tenure of free and common soccage, or *franc aleu roturier*, but our greatest grievance in this Seignior, is not so much the Seigniorial Tenure, as the increased exactions of the Seigniors. The manner in which we are desirous of commuting, is by giving a fair equivalent for the *cens et rentes* and other dues exacted by the custom when the first grants of lands were made to *Censitaires*, and not according to the present rates charged.

26.—Several applications have been made to obtain grants of land in free and common soccage, such applications were refused by the present proprietors of the Seignior.

27.—They are objectionable.

28.—The right is a hindrance to public improvement, the interests of the two being incompatible.

29.—We would be willing to commute on the rights of *lods et ventes* on the same terms as those fixed in the Seignior of Montreal, provided that we would be charged no more than in that Seignior for the commutation of our *cens et rentes*.

30.—For lands on which some clearance subsisted before being conceded to the *Censitaires*, some were charged for such clearance from £1 to £3 per acre.

31.—On objections to payments of sums of money exacted in the concession deeds, in the consideration of the Inhabitants having settled on land without a written, but with a verbal permission of the Seignior, although application was made for titles, on such objections being made, many of the obligations were not exacted.

32.—The inhabitants were all desirous of having their lands conceded, and asked for the concession of them on what was understood to be the original rates of *rentes*, but the want of knowledge on the part of the *Censitaires* not being able to procure the lands on other conditions, were obliged to accede to the terms of the Seignior, it was generally two or three years after the *Censitaires* were located, and had made improvements, that the title deeds were given, and the Seignior had then the opportunity of making his own terms.

33.—We have seen such deeds, and there are some persons still holding their lands at low rates, and to the best of our recollection  $1\frac{1}{2}$  per acre.

34.—No.

35.—The inhabitants were generally ignorant.

36.—No such actions were instituted, although similar applications were made.

37.—Such applications have frequently been made.

38.—Their complaints were made publicly and general, but the rates have not frequently been contested in a Court of law, and when contested, such contest was never decided in favor of the *Censitaire* to our knowledge.

39.—Yes ; we would recommend either *franc aleu roturier*, or free and common soccage.

40.—We have considered that a rate should be fixed by the Legislature, in proportion to the old original rents.

41.—By fixing a certain rate, based upon the principle of giving an equivalent for all original Seigniorial dues, at which to make commutation.

42.—Yes ; by reducing the dues to their original amount, by the authority of the Legislature, as it has been found impracticable for the *Censitaires* to procure this from the Courts of Law, on account of the expense of appealing causes involving these points, as it is considered that such causes would require to be appealed to gain the end desired.

43.—Unless it were understood that a commutation would be agreed to on the principle of giving an equivalent for dues

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according to the low rate, such commutation would not be acceptable, and provided that the above principle were conceded, the appointment of arbitrators would be an uncertain remedy, and subject to too much litigation.

44.—Yes; it would not meet the views of the people, nor at all effect this Seignior. The general objection is, that it places the whole power of stipulating conditions into the hands of the Seignior.

45.—They may be seen in the annexed deeds.

46.—The *Censitaires* in this Seignior, we believe, ought to get a commutation of their lands, costing in aggregate no more than the amount at which the land was valued on the occasion that the Seignior commuted with the Crown.

47.—The principle which would yield an interest equivalent to the old original rates of *cens et rentes*, and *lods et ventes*, as above recommended.

## No. 27.

Answers of G. Rowe, Esquire, (*Noyan and Foucault*.)

- 1.—Yes, in the Seigniories of Noyan and Foucault.
- 2.—Of Noyan, since 1816, and Foucault, since 1812.
- 3.—Abram Fall and Henry Derick.
- 4.—I am not.
- 5.—I cannot.
- 6.—I have one, but cannot furnish the Board with a copy for land in Foucault.
- 7.—Mr. E. Billings, Abram Derick, and many others in the Seignior of Foucault.
- 8.—I know of no difference except that the Seignior, in the original deed, bound himself to build a mill within one year and a day, for the use of the tenants, which is omitted in the received deed.
- 9.—In Noyan, the lots are four arpents in front by twenty eight arpents in depth; and in Foucault, they are sixty-four rods front by sufficient depth to make one hundred acres, English measure.
- 10.—In Foucault, the major part have acceded to the demand: the Notary was Felix Tété, of Quebec.
- 11.—The *Censitaires* generally were dissatisfied in consequence of alterations of the condition in favor of the Seignior, by the reserve of wood, quarries, &c. One suit was commenced against Colonel McCallum, for refusing to take a new title, but was subsequently withdrawn.
- 13.—There are none.
- 17.—I have not.
- 18.—It is seldom exercised.
- 19.—Not that I am aware of.
- 20.—Rare.
- 21.—It is very burthensome, and so very generally complained of, that the *Censitaires* are very desirous of being relieved from it; and I think they will exert themselves to comply with any fair terms of commutation.
- 22.—There is generally.
- 23.—It has not been found burthensome in these Seigniories, for it has not, within my knowledge, been exercised.
- 24.—No.

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25.—The *Censitaires* would generally be willing to commute their tenure into that of free and common soccage.

26.—I know of no such application.

27.—Very onerous, and much more objectionable.

28.—It is highly injurious, and complained of as burthensome to public improvements.

29.—I can suggest no plan consistent with the rights of all parties, better than payment, by the *Censitaires*, of such an amount as a principal, of which the yearly value of the Seignior's legal rights by the terms of his grants would be the interest,—payments to be made by instalments;—and when the commutation money shall be all paid, the feudal tenure to cease upon such lands; and titles be given by the Seignior in free and common soccage.

30.—I am informed by a person who had the means of knowing, that E. Henry, Esquire, Agent for N. C. Burton, frequently made a demand for and received money under pretences of arrears of rent, due previous to the occupation of the land by the person wishing to obtain the same; Daniel Miller and Silas White, of Sabrevois, paid £25 each, for lots on which they settled.

31.—None that I know of.

32.—I cannot.

33.—I cannot.

34.—Not to my knowledge.

35.—I have not, nor do I know of any such case.

36.—I know of none.

37.—The Agent for the Seignior of Noyan refused to concede to me a lot of land in said Seignior, in the year 1808 or 1809; and I am informed the refusal has been of frequent occurrence.

38.—The *Censitaires*, generally, in the Seigniories of Foucault, Noyan, Sabrevois, Lacole, and, I believe, many others, have often petitioned the Parliament of Lower Canada for a reduction of rent to the amount customary previous to the year 1711, and for relief from the said *lods et ventes* as an unjust and oppressive burthen, and complaining of the neglect of the Seigniors to comply with many conditions contemplated in their charters, such as building *banal* mills for their tenants, furnishing seed animals of good breed, for the use of the *Censitaires*, &c.; but no legislative relief was obtained.

39.—Yes; I would recommend that of free and common soccage.

40.—See answer to 29.

41.—See answer to 29.

42.—I think it impossible to modify the feudal tenure to make it acceptable to the *Censitaire*.

43.—I refer you to answer 29.

44.—I have seen it, and think it would not meet the wishes of the people in all respects.

45.—Annual rents: Foucault, 4d per English acre; Noyan, 4½d per arpent. *Lods et ventes*, 8½ per cent. on the price of every sale. These are the only demands which the Seignior has ever made of me. There are sundry other rights and reservations mentioned in the deed of concession, to which I cannot at present refer, as it is out of my possession.

46.—For the rents and *lods et ventes*, I know of no better method than is contained in my answer to question 29, which embraces all the rights, &c. which I conceive the Seignior is entitled to demand pecuniary compensation for; so far as these Seigniories are concerned.

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47.—I refer you to answer 29.

48.—The above answers contain all the information on the subject embraced in the series of questions which I possess.

I have the honor to be,  
Your obedient servant,

(Signed) GEORGE ROWE.

Noyan, 1st July, 1842.

No. 28.

*Answers of the Reverend M. Townsend (Noyan and Foucault).*

1.—Yes, in the Seignior of Noyan.

2.—Since the year 1825.

3.—Enoch Salls, about one year; he purchased from Randol M. Bissell in 1824.

4.—I am not.

5.—I cannot.

6.—I know of no renewed title having been given in Noyan, though many have been given in the Seignior of Foucault.

7.—Ebenezer Billings, Matthias Emrick, and most of the *Censitaires* in Foucault.

8.—I have never compared them.

9.—The lot I occupy is four arpents in front by twenty-eight in depth, 4th range.

10.—No.

13.—There are none.

17.—I have not.

18.—Were it frequently exercised, it would be both onerous and degrading; but in these Seigniories it is not burthensome, as it is seldom exercised.

19.—I am informed that it was renounced by John Powell, Esquire, Agent for the Honorable H. Caldwell for Foucault, in favor of Silas Huxley, purchaser of lot No. 5, 8th range, for a bonus of about £37, more or less, over and above the *lods et ventes*. The amount of purchase money I cannot now give, as my informant is now temporarily absent, but supposed to be about £225: it was however considered about the fair value of the land. Powell and Huxley are both dead. Reference can be made to Harvey Huxley, Foucault. I am also informed that this has been practised in other similar cases, the details of which I cannot command.

20.—Rare.

21.—It is onerous and burthensome, and is universally complained of. The *Censitaires* so deeply feel it to be unjust to be taxed for the amount of their own capital of labor or money vested in land and improvements thereon, (not for the support of the Government or for national improvements, but for the enrichment of privileged individuals,) and to be so gross a moral wrong, that they can scarcely believe it to be a legal right: but if the legal and legislative authorities of the country, after due investigation, pronounce it to be a chartered right, the *Censitaires* are generally desirous of relieving themselves from the odious Tenure, and by commutation, to enfranchise their lands and purchase their freedom.

22.—There is, I believe, generally.

23.—It is not onerous, for little attention is paid to it, being considered merely nominal and as a matter of form; it does not therefore impede the clearing of the land, nor the use of such timber as the *Censitaire* requires for himself. As the reservation is seldom, almost never claimed, it is not generally complained of but as a wrong in principle, liable to be rendered oppressive.

24.—I have not; and from the general belief of the incompetency of the Seignior to change the Tenure of his concessions until his own title shall be changed by legislative enactment, I am not aware of any applications to him for that purpose.

25.—The *Censitaires* are generally desirous to commute the Seigniorial Tenure into that of free and common socage.

26.—I know of no such application.

27.—Very onerous and burthensome, more objectionable as to the amount of the fine, but identical in principle with that imposed on the Rural Seigniories. The value of buildings in cities and villages is frequently more than quadruple that of the land on which they are erected.

28.—It is highly injurious, and is most justly complained of as a hindrance to public improvement, and it depresses the value of land by preventing monied men from vesting their capital therein.

29.—A brief outline of the plan which I beg leave to suggest for the extinguishment of all Seigniorial claims entitled to indemnification, as the basis for commutation, and which I believe will be found (so far as the Seigniories of Noyan and Foucault are concerned) to regard equally the interest of all parties concerned, is subjoined.—1st. For the extinguishment of rent. The *Censitaire* to pay to the Seignior in instalments (of not less than two pounds) such sum as would constitute the principal of which the rent, to which the Seignior is lawfully entitled by the terms of his charter, would be the legal interest.—2d. *Lods et ventes*. The *Censitaire* to pay, as above, the sum of which the annual value of the *lods et ventes* is the interest, such value to be ascertained from the Seignior's books, by an average of the receipts for the same for the last five or ten years. Interest to be allowed to the *Censitaire* on all monies thus paid which shall be found, on such rent-day, to be over and above the Seigniorial dues. The Seignior's present rights to remain intact till the whole amount of commutation be paid by such *Censitaire*, when the feudal tenure shall cease on such commuted land, and a deed in "free and common socage," shall be given him by the Seignior. This mode will be highly advantageous to the Seignior, as it will render to him the whole of his productive capital in money without any deduction for salaried agents, expenses of collection, suits, &c. &c., which real advantage I trust will be considered a reasonable and sufficient offset against other rights of imaginary value, which are not sources of income to the Seignior (at least in this Seignior) and for which therefore, the *Censitaires*, I think, would not be willing to pay a consideration; such are the following—3rd. Redemption. As this right was evidently given merely to guard the Seignior against loss by fraudulent sales, or to add to his domain for his own residence, and not as a source of income, it does not constitute a legitimate claim for indemnification, and there can be no basis on which to compute a consideration.—4th. *Banalities*. On the Seigniories of Noyan and Foucault, there are no mill-sites or sufficient streams of water where banal-mills can be erected to grind the grain of the *Censitaires*, and no mills have been erected; if we except a small wind-mill erected in Foucault in its early settlement by Mr. H. Caldwell, nominally to cover his liability incurred by the contract of his concession deeds, and which being wholly insufficient, was kept up only for two or three years; this culpable omission on the part of the Seigniors to fulfil a condition contemplated by their charters, while they refused permission to their *Censitaires* to erect a mill for themselves, has been a serious evil and oppression to their tenantry, by compelling them to carry all the grain of these two Seigniories to other mills at a distance of 10, 20 and 30 miles. This neglect of the Seigniors should form, in equity, the ground of a just claim upon them for indemnity to the *Censitaires*; it cannot then be expected that the latter should be required to pay an equivalent for aAppendix  
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right so nominal as never to have benefitted them, nor produced an income to the Seigneur. In other Seigniories, where the Seigneur has availed himself of existing natural facilities, by the erection of a banal mill, the extinction of the right of banality may properly follow the mode recommended above for the purchase of the rent, and *lods et ventes*, viz:—by the payment of such sum as would form the principal of which the clear annual value of the mill (after deducting the interest on the capital invested and the annual charges for repairs and attendance) would be the interest.—5th. Reservation of timber. As this reservation is made for specific purposes, viz:—for the erection of mills (which in these Seigniories have not been built of Manor Houses) which have not been erected, of Churches and Presbyteries) which have received no aid from the Seigniors (and for the royal navy) which right the Crown has not enforced, it has been no grievance to the *Censitaire*, and afforded no income to the Seigneur, it exists as a nominal badge of vassalage, the extinguishment of which cannot be estimated by any valuable consideration, and in Noyan and Foucault there remains not enough to tempt the exercise of this right. To render the above plan operative and efficient, a legislative enactment should be made, enabling the Seigneur to commute and give titles in free and common soccage, rendering it compulsory upon him to do so when demanded by his *Censitaire*, and to prevent evasion by exorbitant demands being made upon the *Censitaire* as an indemnification for Seigniorial rights; certain principles should be established as the basis of commutation forming a general outline by which to compute the amount of compensation, which will be applicable to all Rural Seigniories, leaving the minor details to be arranged between the parties according to the divers circumstances of each Seignior.

30.—I am credibly informed, that many instances have occurred in which the late E. Henry, Esquire, agent for Noyan, received from applicants certain sums of money, at the time of the first occupation and deed of concession, calling it arrears of rent, viz: from John Denton, now of Clarenceville, about £—; Hugh Cameron, of Granby, £5; Silas White, Sabrevois, £25; Daniel Miller, do. £25. Reference may be had to John Denton, as above, and to Seth Warner, Henryville.

31.—I know of none.

32.—I know of none.

33.—I cannot. Noyan was not chartered at that date.

34.—He has not to my knowledge.

35.—Not to my knowledge.

36.—I know of none.

37.—I know of none.

38.—Memorials and Petitions to the Parliament of Lower Canada, were, for the last 10 or 15 years of its existence, almost annually presented from the Seigniories of Foucault, Noyan, Sabrevois, Lacole, De Léry, Beauharnois, and many others, complaining of Seigniorial burthens; of a higher amount of rent demanded than was specified in the charter; of the injustice of *lods et ventes*, and of the neglect of Seigniors to build mills, and perform many other conditions of their charters.

39.—It would improve the condition and promote the welfare of the people. The tenure of free and common soccage.

40.—I have endeavoured to consider it; it has many difficulties. For the best plan I can suggest, see answer to question 29.

41.—See answer to question 29.

42.—I do not think it practicable.

43.—I do not; I still think the mode in question 29, will be more equitable and satisfactory to all.

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44.—I have seen it; I think it would not meet the wishes of the people, nor answer the end contemplated. I am not competent to decide on its general merits and applicability to all the cases which it is designed to meet, yet I notice two things which appear to me to be objectionable. 1st. It does not render it compulsory on the Seigniors to commute, and consequently few will do so, and the Tenure will still continue to be an incubus on the prosperity of the province. 2d. The *droit de quint* and *droit de relief* are herein demanded in full by Her Majesty. These rights should be surrendered by the Crown in behalf of the oppressed overburthened peasantry, and the Seigniors required to make a corresponding deduction in the amount of compensation for the *lods et ventes*. This surrender, I doubt not, the Government of Her Majesty will make, if generally petitioned for by the *Censitaires*, and recommended by the Board of Commissioners, as it would so largely contribute to the final settlement of these long standing and vexatious difficulties, remove the wide spread evils of a Tenure oppressive in itself and productive of constant discontent among Her Majesty's faithful subjects, and revive those energies which alone are wanting to ensure wealth and prosperity to this important portion of the Empire.

45.—I know not where to find the deed of concession of the land I occupy for reference. I however transmit for the inspection of the Board, two deeds of concession of an early date, which may serve as samples of the deeds of that period, with the charges, reservations, &c., then made.

46.—I know of no better method than to ascertain the annual value of such rights, &c. By an average of the receipts of past years, (from which all expenses attending it must be deducted) this would form an interest, the principal of which would be the value of the right. This method of computation cannot fail to be favorable to the Seigneur, for every business man knows that the value of money in this country is, and for many years must be, much greater than its legal interest.

47.—I would propose the same rate between the clear, legal annual income of the right (as secured definitively to the Seigneur by charters,) and the amount of its indemnity which exists between legal interest and its principal.

48.—In the above answers to the questions submitted by the Board, I have endeavoured to approach the subject (an exciting one throughout the Seigniories) dispassionately, and to view it in all its bearings, so far as my limited knowledge of it extends, simply as a business question, and with a sincere desire to see it adjusted on principles of equal justice to all parties. Although the time has now arrived when the country can no longer submit to a Tenure pregnant with principles so destructive to the enterprise and prosperity of a whole community, yet I could never consent that so highly a respectable class of our fellow subjects as the Seigniors of Canada should be deprived of their vested rights of property (though the change be required from the few for the benefit of the many) without ample compensation for all those which are productive of income; nor on the other hand can complacently see my poorer fellow subjects oppressed with heavier burthens on their poverty than those vested rights when clearly defined, will warrant, or the whole country blighted by a Tenure suited only to a barbarous age. All which, however, to the Commission of Inquiry, is respectfully submitted.

(Signed) M. TOWNSEND.

Clarenceville, Noyan, 4th July, 1842.

No. 29.

Answers of the *Censitaires* of De Léry, Longueuil, and Laprairie, to the questions put to them by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

1.—We are proprietors in the Seigniorie of De Léry, the Barony of Longueuil, and the Seigniorie of Laprairie la Magdelaine.

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2.—There are some among us who have been proprietors for thirty years, others forty and others fifty years, and others for more or less, in the said Seigniories

3.—The greater part of us are original proprietors: there are some few who have only become proprietors by purchasing them (the said lands) from the original proprietors.

4.—We send you copies of different deeds, we do not know how many, since we have not yet received them all.

8.—We have not yet *titres-nouveaux*, but our Seigneur, Charles Grant, has lately had our lands surveyed with the view of making us take out *titres-nouveaux*, and of making us pay the Surveyor and the expense of these said titles.

9.—Our lands are situated, some in the range of the first great line which separates the Seigniorie De Léry, or the Barony of Longueuil, others along the little river Montreal, and others in the range called the *Ruisseau des Noyers* in the Seigniorie of Laprairie la Magdelaine.

13.—There is but one flour mill in the parish of Lacadie, which is in operation only about seven months in the year, and which is not sufficient to grind the corn required for the public wants, which is much against us, inasmuch as we are compelled to go to this mill which is about seven leagues off, while we could have mills for our own convenience if we were permitted to build them; but far from permitting it they (the Seigniors) have caused one on the Richelieu, belonging to Charles Frechette, and another at the *Ruisseau des Noyers*, belonging to Henry Thibaudeau, to be demolished. This mill therefore is only a mill of speculation and not a Seigniorial mill (*moulin banal*). The value of this mill is three hundred pounds currency, not including the adjoining out-building.

18.—The right of *retrait* is very rarely exercised. One instance within our knowledge, of its having been exercised is this: in the month of May last, Dominique Boileau having purchased a land of two arpents in front by twenty-eight arpents more or less in depth, for the sum of twelve hundred *livres* ancient currency of this Province; the said Dominique Boileau, to rid himself of a part of the *lods et ventes* which he found so unjust, caused to be entered in the contract only six hundred *livres*, of the said currency, having paid, in ready money, to the seller, the other six hundred *livres* of the said currency, without mentioning them in the contract: but when he took his contract to William McGinnis, Agent of W. C. Plenderleath, to pay the *lods et ventes* and other Seigniorial rights, the said William McGinnis exercised the right of *retrait*, by paying over to him the six hundred *livres* of the said currency, mentioned in the contract. Then the said Dominique Boileau, after some conversation, acknowledged to him that he had paid for the said land twelve hundred *livres* of the said currency, but that he had done this to lessen the *lods et ventes* which he found so unjust. The said McGinnis then told him that he had but to give him six hundred *livres*, said currency, over and above the price which he had really paid for the said land, and to pay him the *lods et ventes* on the whole, and that he would then return him the land, which the said Dominique Boileau was obliged to agree to, to his great loss.

21.—We consider that the right of *lods et ventes* is altogether unjust, there is a general complaint about it, and a desire to get rid of it, without however paying any money, for that would be too unjust: because, when any one receives in concession a piece of wild land, it is of no value, whereas when he has cleared the said land by the sweat of his brow, and it has become of value, if he should sell it, the *lods et ventes* are so much money unjustly taken from him by the Seigneur, inasmuch as it is he himself who has made the said land valuable and not the Seigneur,—a most crying injustice! You may imagine that there are many families whose lands pass from family to family without paying *lods et ventes* at all, by their good management of their affairs. We desire that in case these persons should wish to free their lands, the Seigniors should have no right to require of them an indemnification for the rights of *lods et ventes* which they have never paid, because their said lands have never gone out of the family.

22.—We are not aware that the Seigniors have taken the pine and oak timber on the lands without paying for it. There are but few lands where there is oak and pine timber.

23.—The people do not complain of that reservation because the Seigniors do not avail themselves of it.

24.—Denis Soupret, Lucien Gagnon, and Charles Roy. We have been to Quebec, to the Government Office: we asked the Governor for a commutation of the Tenure of our lands into free and common soccage, and we received no answer.

25 and 26.—We are desirous, certainly, of enfranchising our lands, but let us pay only according to the old rents, and not according to the new. Neither do we wish to pay for any right of *lods et ventes*. We wish then to enfranchise our lands, but provided that we are not compelled so to do, and that there shall be full liberty to enfranchise them at pleasure, and that those who shall not be able to enfranchise them shall only pay the ancient rents, that is two *sous* the superficial arpent. We are informed that the Seigniors, at the first settlement of the country, when wheat sold for only forty *sous* the *minot*, being well aware that the price of wheat would rise, complained that the *Censitaires* did not pay their rents with exactness, and obtained a change, that is to say, that the ancient rent which was two *sous* for each superficial arpent, as we now wish it to be, was changed in part into wheat, that is to say, it was agreed upon that the *Censitaires* should pay a *sou* and a quart of corn for each superficial arpent, in place of two *sous*, which was the law.

27.—It is as unjust to pay *lods et ventes* for lands as for *emplacements*. There are many persons who, after having taken lands in concession two or three leagues from habitations, after having made the road and drains and other improvements on these lands, have been obliged to give them to others for nothing, because these lands were not sufficiently valuable to pay the dues to the Seigniors. We are able to prove what we state.

28.—Every one in general complains of this right of *lods et ventes* (except the Seigniors and their agents) because it is very injurious to the industry, the commerce and the improvement of the country.

29.—This is the plan we would suggest; we think that since the first settlement of the country, the Seigniors have received enough of money for these unjust rights, we request that these rights be entirely abolished by a law to be passed by the House of Assembly, and approved by His Excellency the Governor and his Council.

30.—There are in the first great line which separates the Seigniorie De Léry from the Barony of Longueuil, nearly two leagues of frontage, of lands which were conceded to the late Messrs. Busby and Joubert without compunction by Mr. David Grant, and which the said Busby and Joubert have sold for sixteen hundred *livres*, old currency, for each hundred and twelve superficial arpents. In the range called *La Carrière*, about forty arpents at the same price. In the range called *Petit Bernier*, about a league and a quarter of front, also at the same price. In the range called the *Grand Bernier*, about one league and three quarters of front, also at the same price. In the range called the *Richelieu*, near the river St. John, about a league and a half of front, also at the same price. In proof of what we state, the proprietors of each of these lands could forward their deeds to the Commission, if required.

31.—Jean Terrien, of the Parish of Ste. Marguerite de Blairfindie, in the Barony of Longueuil, sued the Seigneur at the Superior Court at Montreal and at Quebec, to get back his money, and obtained judgment in his favor, but the said Seigneur wishing to appeal in England, and the said Terrien being too poor to go to England, the latter effected a compromise with the said Seigneur (we are ignorant of the nature of the compromise): so that no one since has ventured to go to law on that subject. Thus the Seigniors have always had their own way, and done as they pleased.

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33.—We have certain information that, at that period, the rents were two *sous* the superficial *arpent*.

34.—We are not aware that that has happened.

35.—Joseph Lavois, junior, and Jerome Tremblay, have sued the Baroness, to compel a concession of lands to them, as mentioned in the 34th Question, without however being able to obtain justice from the Seigneur; for money does every thing.

37.—Mr. David Alexander Grant, has refused to concede wild lands in his Seigneurie, on the terms and conditions mentioned in the preceding Question, to François Fontaine and Joseph Des Trois Maisons, and others.

39.—A change of Tenure would doubtless improve the condition of the *habitans*, and would tend to promote their happiness.

40.—After maturely considering this subject, the plan which we would submit, is to abolish *lods et ventes*, and all reserved rights with that of *banalité*, excepting the ancient rents of two *sous* the superficial *arpent*.

42. & 46.—We think it would be an act of justice to abolish *lods et ventes*, and all other Seigneurial rights, (except those on lands which have been conceded at the ancient rents,) by passing a law to abolish those rights; the lands which have been sold in a wild state and conceded at the new rents, should be commuted to free and common soccage, by a law to be passed in the House of Assembly, and sanctioned by the Governor and his Council.

43.—The shortest method in our opinion, would be, that each proprietor who should give two *sous* a superficial *arpent*; and who should pay three dollars of rent yearly for his land or lands, should have the right by giving fifty dollars in ready money to the Seigneur, to enfranchise his land or lands; and that in case the Seigneur should refuse to accept the said sum, he should be entitled, after having protested against the said Seigneur, to obtain from the Court a deed or deeds in free and common soccage, without the Seigneur having any power to prevent it.

44.—The proposed Bill does not meet our views.

45.—We intend to transmit to the Commission different deeds, as an answer to the 45th question, which may inform them of all that has been given to the Seigneur for the said rights; a calculation of all that has been unjustly expended being entered at the foot of each deed.

48.—We must submit to the Commission that in our opinion the King of France deceived himself egregiously in giving Seigneuries in recompense to persons in perpetuity; it appears to us that it would have been quite reasonable to give them to them for the term of their life only, or at most for that of their children, and that afterwards their rights should be extinct. In contravention to this, the five Seigneuries of the late General Christie have passed into the hands of a stranger, which appears to us unjust. We desire, therefore, that the House of Assembly, His Excellency the Governor, and his Council, take all this into consideration, and that they do us justice. There is yet another most grievous and painful evil, which is, that there are several Seigneurs and Agents who cause the lands of individuals to be sold, some for four years, some for five years, and some for six years of arrears of *cens et rentes*, only by suing them at the Superior Court; for, if they sued them in the Inferior Court they would find means of paying either from their crops or their household stuff, because the expenses are much less in the Inferior than in the Superior Court, after which these poor people find themselves destitute in the street, after having labored hard on these lands, exposed to every possible misery, bad weather, insects, and hardly sleeping at all at night during the summer. The Seigneurs make also a speculation on the lands which they bring to Sheriff's sale, by purchasing these lands and then reselling them to others at double the price of the adjudication, on condition that a certain sum be paid down, and the rest remaining at interest until the purchaser is, in his turn, sufficiently in debt to cause the land to be again sold in speculation, which is very grievous and painful for

these poor people. Another trick was this: Mr. Henry sent his grand-son, Alfred Pinsonneault, to England, for the purpose of imposing upon the heirs of the late General Christie, giving them to understand, that the arrears of their Seigneuries were worth very little, inasmuch as the greater part of the *Censitaires* were unable to pay them, so that they sold them to him, or rather gave them, so to say, for he gave almost nothing for these arrears. Since which the said Alfred Pinsonneault has sued a great part of the *Censitaires* and caused bonds, with interest, to be taken from the majority of the said *Censitaires*, a great part of whom owed only a quarter of the sum demanded, because Mr. Henry did not keep his accounts in good order, and because in place of giving proper acquittances he gave only scraps of paper which were lost; this has been the cause of a great part of the *Censitaires* being obliged to leave the country or be turned out into the road, because they can never discharge these arrears. This is what we now complain of, and what we complained of before the troubles, and which has caused all the misfortunes which have overwhelmed our unhappy country, Canada, and of which we have been the victims; for if there had been no injustice on the part of the Seigneurs, there would never have been any troubles.

We hope that after mature deliberation thereon, these gentlemen will be pleased to grant us all that we ask. May Providence hear us favorably in what we think just and reasonable!

Mr. Constant Cartier asked of Mr. Grant, Seigneur of the Barony of Longueuil, 12 *arpens* of land in frontage on the first main line, to settle his children there. This gentleman answered that he had no lands to grant, that if he wished to have some conceded to him, he should call upon his agent Mr. Bushby. Mr. Constant Cartier having gone to this gentleman, the latter told him that on being paid fifty pounds in ready money, he would give orders to a Surveyor to chain the 12 *arpens* of front, required by Mr. Cartier, who paid the said sum exacted by the said agent Mr. Bushby. This person issued the deed of sale to Mr. Constant Cartier, while he himself took out a deed of concession from the Seigneur; these two deeds were taken on the same day. Then Mr. Bushby received for this sale 4000 *livres*, ancient currency, including the £50 present currency of this Province.

We the undersigned, unanimously approve of the present Report. In testimony whereof, we have all signed.

(Signed)

Here follow 293 Signatures.

No. 30.

ST. CYPRIEN, 10TH SEPTEMBER, 1842.

Answers of *Censitaires* of the Parish of St. Cyprien (De Léry.)

(Translation.)

Province of Canada, }  
District of Montreal. }

To J. E. Turcotte, Esquire, Secretary of the Commission of Inquiry on the Seigneurial Tenure.

We, the undersigned, proprietors, of the Parish of St. Cyprien, Seigneurie De Léry, in the said District of Montreal, in answer to the interrogations which you have transmitted to us on the part of the Commissioners, humbly take the liberty of answering them, as follows: 1°. That in Lower Canada, the Seigneurial Tenure is the easiest or most equitable arrangement or method as respects poor proprietors, having no capital; for, as to the tenure of free and common soccage it is in truth only adapted for persons of property, tending to augment their riches or fortunes at the expense of the poor, which the Gentlemen of the Commission are perfectly well aware of, inasmuch as former reports made to the Provincial Parliament, were drawn up in favor of the Seigneurial Tenure in preference to a free tenure, but on the express condition that the Seigneurial Tenure should be maintained

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according to the primitive titles granted to the *Censitaires* of the Province, who reside in Lower Canada. The complaints which have been raised or brought against our Seigniorial Tenure should have been brought only against the speculators, who had become Seigniors of the finest Seigniories, and against the silence imposed of our Courts of Justice on the illicit acts which have compromised this system, and the laws relative to it in their favor.

13.—The parish of St. Cyprien has no Seigniorial Mill, (*moulin banal*.) with the exception of a wretched flour mill belonging to speculators.

19.—We have to state that a certain Barthélemi Lefebvre, farmer, of the said parish of St. Cyprien, was sued by the Seignior of the place, or his representatives, and that this latter caused the real property of the said Lefebvre to be sold by order of the Court, for the sum of £12 10s.; the said Seignior who obtained the said land for the above mentioned sum, promising that he would restore the said Lefebvre to the possession of his property, immediately after his acquisition, provided he would not bid it up to a higher price; nevertheless the Seignior after having acquired possession of it, turned the former proprietor from off it.

20.—Rather frequently.

21.—These rights are not only very onerous for us, *Censitaires* of the place above mentioned, but also hinder or prevent us from going through transactions which it would be necessary to arrange; in a word, we regard them as an intolerable burthen on the *Censitaires* of the said Seignior, but do not wish to commute them with the Seigniors, along with the other Seigniorial charges and rents, unless it be for a fair and liberal reduction, which we require of them.

25.—Under the agency or administration of E. Henry, Esquire, we have farther to state that Mr. Antoine Merizzi would have taken, with the consent of this agent, five *arpens* of uncleared land situate in the village of Napierville, for which William P. Christie wished to confer a title deed on the proprietor, in consideration of the sum of ten shillings per *arpent*; the proprietor on this demand, wished to take a title on the express condition that it should be granted to him according to the ancient rents; after this, the proprietor of the said land was sued by the same Seignior, who brought the action to make him pay the sum of twenty shillings yearly for each superficial *arpent* of land, in which procedure judgment was obtained by the said claimant, in June last, for the sum demanded, together with interest and costs.

It is perhaps also necessary to inform you, gentlemen of the Commission, that a great number of proprietors possessing lands in the Seignior De Léry are in debt to the Seignior of the place for divers mutations of their lands for the last twenty or thirty years, in sums exceeding at present the value of their property, and secured by obligations in favor of the Seignior of the said place, which proves that the Seigniorial system as it exists at present in this Seignior, tends to ruin the *Censitaires* who inhabit it.

It is to be regretted, gentlemen of the Commission, that a painful necessity exists for informing you that the greater part of us are now almost entirely ruined by being subjected to pay rents and other rights at too high a rate, and especially by credits granted formerly to us *Censitaires* of the said Seignior by E. Henry, Esquire, and claimed at the present day by his representatives without allowing further delay, notwithstanding the bad years under which we have suffered.

For more ample information—the Seignior of the place, or his agent, caused to be sold at the village of Napierville in 1841 and 1842, two *emplacements* of considerable value for debts arising from Seigniorial rents alone, and which were adjudged according to law for sums not exceeding the fourth part of their value.

28.—Yes; but we state moreover, that a certain Louis Rémillard, senior, a venerable farmer of the said parish of St. Cyprien, was compelled to pay to the agent of the said Seignior, the sum of £12 10s., for a piece of wild land,

situate in the said parish of St. Cyprien, and could not obtain a deed of concession until he had paid the said sum.

François Hyacinthe Rémillard, farmer, of the parish of St. Marguerite de Blairfindie, has been also, for some years past, compelled by the agent of the said Seignior of De Léry to pay him a like sum of £12 10s. before he could obtain a title of a piece of wild land. In like manner, the said Seignior, or his representatives, refused to grant a deed of concession to a certain Louis Clouette, unless he paid to him, before taking out the said title, the sum of 2000 *livres* of twenty *sous* each. In like manner, the said Seignior did not wish to grant deeds of concession to Michel and Antoine Beloin, without their paying to him the sum of £20 pounds, present currency, each, for their lot of land, situate in the said parish of St. Cyprien.

33.—For the information of the Commissioners, we state in answer to the said interrogatory, that on the 22d September 1827, there was granted a deed of concession of No. 44, being seventy-two *arpens* and forty perches in superficies, by E. Henry, Esquire, agent of N. C. Burton to Louis Rémillard, at the rate of nine *sous* or four pence half penny present currency, for each superficial *arpent* of land. That on the 5th May, 1801, there was granted a deed of concession of No. 24, being ninety *arpens* in superficies, by N. C. Burton, Esquire, to Etienne Dumas, at the rate of one *sou* tournois, coined money, for each superficial *arpent*, and half a minot of wheat dry, clean, sound and merchantable, for each twenty superficial *arpens* of land. That on the 12th November, 1836, there was granted a deed of concession of No. 15, containing two *arpens* and five perches in superficies, by William McGinnis, Esquire, agent of W. P. Christie, at the rate of five shillings for each superficial *arpent*. That on the 26th November, 1835, there was granted a deed of concession of Nos. 8 and 9, each containing one hundred and ten perches, more or less, by William McGinnis, agent of W. P. Christie, to Marie Anne Daunay, wife of François Garceau, at the rate of ten shillings for each superficial *arpent*. And moreover, that on the 4th October, 1827, there was granted a deed of concession of No. 13, containing one *arpent* and twenty perches in superficies, by E. Henry, Esquire, agent of N. C. Burton, to James Ogden, at the rate of one pound, present currency, for each superficial *arpent* of land. The whole humbly submitted as requiring that in the said Seigniories the lowest rent specified in the titles hereinbefore cited, should be that which ought in future to be required.

43.—No; and for reasons which the Commissioners who put this question to us will be well aware of; reference being had to what we have mentioned above.

46.—We are of opinion moreover, according to what we recommend and consider as most equitable, in the Seigniorial Tenure hitherto, that the fairest mode of procedure, (after mature deliberation on other laws) would be the following: that a person paying yearly one penny of ground-rent for each superficial *arpent*, that is for a land of two *arpents* in front, ten shillings of rent annually, should have the right, by paying the capital of the said sum to the Seignior, of enfranchising his land, and that in case the Seignior should refuse to accept the said sum or capital, on a protest being served upon him, the said proprietor should have, or might obtain at law, a title in Free Tenure, without the Seignior being able to prevent it.

N. B. It happens very frequently, that individuals get possession of lots of wild-land in the Seignior of De Léry, and that after some years they are obliged to abandon them, from the heavy Seigniorial rents, and give them over to other individuals without any remuneration; which proves, Gentlemen of the Commission, that wild lands at a distance from other cultivated lands, are not of the same value with these latter, although in the said Seignior of De Léry, they are all conceded by the Seigniors at the same rates.

To conclude, Gentlemen of the Commission, it would be too long to detail to you all the grievances which we should have to mention in answer to these Interrogatories, concerning the titles of all the undersigned, granted by the Seigniors

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of the place, in which their powers are greatly exceeded. For this reason, we humbly pray you to be pleased to accept favorably the address founded on these Interrogatories, which, we, the undersigned, have the honor to transmit to you, and you will render justice.

(Signed) ANTOINE MERIZZI, President,  
T. A. SIMARD, Secretary.

Here follow 218 Signatures.

We, the undersigned, certify that the above mentioned Signatures are true. In testimony whereof, we have signed these presents.

(Signed) T. A. SIMARD,  
ANTOINE MERIZZI, Junior,  
Witnesses.

No. 31.

LACOLLE, AUGUST 8TH, 1842.

*Answers to the Questions submitted to the Censitaires of the Seigniorie of Lacolle, by the Board of Commission of Inquiry on the Seigniorial Tenure.*

- 1.—We are in the Seigniorie of Lacolle.
- 2.—We have been in possession from fifteen to forty-five years.
- 3.—Joseph Odell, Joseph Whitman, senr. Robert Stott, Peter McCallum, Peter Mastin, and William Willse.
- 4.—We herewith hand the Board five deeds of concession.
- 5.—Joseph Whitman, junr. Lacolle, Daniel McCallum, Lacolle, and Thomas Brisbane, Lacolle.
- 6.—We hand the Board herewith one *titre-nouvel* granted to George Hay, of Lacolle. The original concession deed bound the land to pay three pence per arpent for rent, the *titre-nouvel* compels the same land to pay four pence half penny per arpent, which sum was insisted upon by the Seignior at the time of granting the said *titre-nouvel*, although strongly objected to by the grantee. Joseph Whitman, junr. is in possession of a *titre-nouvel* under like and the same circumstances.
- 7.—Joseph Whitman, junr., of Lacolle, there is an augmentation of rent in the *titre-nouvel* of fifty per cent.
- 9.—The lands in this Seigniorie are generally four arpents wide, by twenty-eight in depth, and our lands are in the first, second, third, fifth and seventh ranges.
- 10.—None, except the ones referred to in the sixth and seventh answers; the Notary employed was Ls. Barbeau, of Laprairie.
- 11.—Joseph Whitman, senr. and George Hay, both of Lacolle, did object to and complain of the charges and burthens imposed in the *titre-nouvel* granted to them; the objections were, the augmentation of rent insisted on by the Seigniors from three pence to four pence half penny, per arpent.
- 12.—Inasmuch as there were but two *titres-nouveaux* granted in this Seigniorie to our knowledge, the complaints on that subject were not numerous.
- 13.—There is no *Banal* or Seigniorial Mill in this Seigniorie of Lacolle; consequently the right of *banalité* cannot be considered to exist, and it remains for the Commission to decide whether the Seignior, on the neglect to furnish a mill, has not failed to comply with the conditions of his charters.
- 17.—We know of no such case.

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18.—As it is seldom or never exercised, it is not considered onerous, and is looked upon by the *Censitaires* as a mere form of no value, but in principle is considered a wrong.

19.—We know of no such cases in this Seigniorie.

20.—We never knew of this right having been exercised here, and we believe seldom, or never is, any where.

21.—We do consider the rights of *lods et ventes* to Seigniors one of a very onerous and burthensome nature to *Censitaires*, that it is universally complained of, and felt to be unjust, to be taxed for their own improvements.

22.—The Seigniors do generally make reservations of the pine and oak timber, growing on the lands, which they concede, for their own use and benefit.

23.—The manner in which they make the reserve is objectionable in principle, although it cannot be called onerous, inasmuch as little attention is paid to it, for it is considered merely nominal; it does not impede the clearing of land, as the reservation is seldom or never claimed by the Seignior, evidently from his conviction that the reservation is not one of his own right, but the right of the Crown, which he, the Seignior, omits to state in his deed of concession. We consider that it forms no right in which there is any value to the Seignior, inasmuch as he is in duty bound to reserve suitable timber for ship building for the use of Her Majesty; and we need not state, for the information of the Board, that the Government pay liberally all individuals from whom they procure timber either from Seigniorial or other lands.

24.—It is within our knowledge that Joseph Whitman, senr., of Lacolle, did apply to Napier Christie Burton himself, former proprietor of the Seigniorie of Lacolle, for a commutation of his rights as Seignior, of certain land on the river Richelieu, into that of free and common soccage. The application was not granted, the reasons given for objecting was, that it would establish a bad precedent, as many others would be wanting the same. He also refused to grant, on any terms the wood lands applied for by the said Joseph Whitman, senr., recommending him to go to the rear of the Seigniorie, at the same time giving his reasons for not conceding the front lands, that they would become more valuable; and recently, his Agent, Edmund Henry, Esq., refused to concede to the said Joseph Whitman, senr., and George Hay, both of Lacolle, certain unconceded lands in a centre concession in the Seigniorie of De Léry. The only reason given was, that they were very valuable lands. On being asked by your deponents what conclusion they drew from the answer the Agent gave them, they say, they came to the conclusion that should they offer a handsome *bonus*, the concession might have been obtained, as it had been the common practice in like applications for many years past.

25.—We are of opinion that there would be a general desire and willingness to commute by the inhabitants of this Seigniorie, could the basis of commutation be fixed upon the just and legal rights of the Seigniors; and we think the *Censitaires* would generally prefer the tenure of free and common soccage.

26.—See answer to No. 24. The lands applied for were in a state of nature, and one lot only by each individual.

27.—We consider that the principle is the same and equally objectionable in the country parts as in the cities and populous villages. It frequently happens that the buildings in country parts are double the value of the lands attached to them.

28.—It is most justly complained of as retarding public improvement; it prevents capitalists from settling in this part of the country.

29.—It is extremely difficult under the circumstances in which this and many other Seigniories are placed to form out any plan for the abolition of this most grievous tenure of land. It is the desire of the *Censitaires* of the Seigniorie,

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as well as the adjacent ones, first, by some Legislative enactment, or some competent authority, to ascertain the just rights of the Seigniors, after which, in our humble opinion, it would be easy to form a basis upon which to commute.

30.—It is a matter of notoriety, that E. Henry, Esquire, in his lifetime, agent to Gabriel Christie, Esquire, Major General in the British Army, and proprietor of the Seigniorship of Lacolle, was in the habit, during his agency, on application being made to him for the concession of wild lands, of requiring a *bonus* in cash as purchase money; and for further information on the subject, we refer the Board to some few of the cases within our knowledge: John Vosburg, now of Caldwell's Manor, paid to the said E. Henry, as a *bonus* for two lots of land, in the Seigniorship of Lacolle, twenty-five pounds for each lot, upon which he settled his two oldest sons, the deed of concession compelling him to pay six-pence per arpent, rent annually. Allan Cameron, of Lacolle, paid in cash ten pounds *bonus*, on receipt of a concession deed of a lot in a state of nature, at four-pence half penny per arpent, annually. Robert Hoyle, paid twenty-five pounds per lot, for four lots in the same state, at four pence half penny per arpent, annually. James Brisbane paid one hundred pounds as *bonus*. Joseph Whitman, senior, paid fifteen pounds per lot for four lots, at four pence half penny per arpent, annually. — Berry, of Lacolle, paid one hundred pounds for a similar grant. We could mention many other cases, but conceive we have produced sufficient instances to put the Board in possession of the common practice of the Grantees of the Crown of late years.

31.—None to our knowledge.

32.—We know of no such case, this Seigniorship not having been then granted.

33.—We are not in possession of any such original grant or old title, which would indicate the *quantum* of *cens et rentes* at that early period, for the reason above stated. But we are in possession of the *quantum* of *cens et rentes* fixed by the *arrêt* of the 6th of July, 1711, mentioned in Mr. Solicitor General William's report to the Governor and Council, of the 5th of October, 1790; an extract from which we herewith transmit for the information of the Board of Commission.

34.—We know of none.

35.—We know of no such action having been instituted.

36.—We know of none.

37.—We do; Joseph Whitman, senior, and George Hay, both of Lacolle, applied to Edmund Henry, Esquire, agent of this Seigniorship, for a lot of land each, in the Seigniorship of De Léry, of which he was also agent, and was refused, he alleging that the land was very valuable. Loop Odell, Esquire, of the Seigniorship of De Léry, also applied to William McGinnis, Esquire, agent of William P. Christie, Esquire, the present Seignior of De Léry and Lacolle, for a lot of wild land in the said Seigniorship of De Léry; which the said agent refused to grant, unless the said Loop Odell, would agree by contract to pay five shillings per arpent, annual ground rent.

38.—The *Censitaires* of the Seigniorships of Lacolle and De Léry have resisted the payment of *rentes*, as demanded of them by their Seignior, alleging that he was exacting more than he had a legal right to do, they having pleaded the Charter in the Courts of Justice at Montreal, and having been condemned, not on the Charter, but on a contract which they had been compelled to sign, or forego the obtaining of lands when they were in much need of them, for the support of their needy and numerous families. The inhabitants of these and many other Seigniorships, have also, for the last ten or fifteen years, been in the habit of petitioning the Lower Canada Legislature; and still more recently, during the Session of the United Parliament, complaining of the Seigniorial burthens, particularly of the high rents of the recently granted lands, for above what the Seigniors were warranted in charging, by their Charters, also complaining of the Seignior's neglect to perform duties indicated in their Charter.

39.—It would materially promote the happiness and condition of the people, and we would recommend the tenure to be changed to that of free and common soccage.

40.—We have frequently considered the subject referred to in this question, and beg respectfully to state for the information of the Board, that in our humble opinion, it will be difficult to form any plan for commutation until the just and legal rights of Seigniors and *Censitaires* are more clearly defined.

41.—We would respectfully say, that when the just and legal rights of the Seigniors are fully and clearly established, the basis which we should consider a just one to all parties, would be, that the Seigniors should receive by suitable instalments in money, as an equivalent for his *rentes* and *lods et ventes* (for we consider the right of a redemption and reservation of timber no real value to him; also the right of banality as he has not complied with it, cannot be considered of any real value, as it never afforded him any revenue) from the *Censitaires*, a capital which would give to them interest equal to the just and legal income of their vested rights.

42.—We should think that the time had arrived when the people will expect some just and equitable measure by which the very objectionable and barbarous tenure shall be abolished.

43.—We should prefer leaving it with the constituted authorities of the country.

44.—We have seen the Bill referred to, and consider that, inasmuch as it does not make it compulsory on the part of the Seignior to commute on certain conditions being complied with, that it would be entirely useless, as they would not commute, were the basis fixed confining them to their just rights only, and by that Bill we observe the rights of the Government of a *quint* and *droit de relief* are retained by the Crown, and exacted from the Seignior. Should this right be surrendered, not in favor of the Seignior but in favor of the poor, oppressed and overburthened people, the amount of commutation to the Seignior would be one fifth, or twenty per cent. less; and we hope the Board of Commission will see fit to recommend such a measure to the Government.

45.—The deeds of concession herewith transmitted.

46.—See answer to No. 41.

47.—We would propose income on a capital equal to the amount of legal annual income.

48.—In answer to this question, we are not disposed to take advantage of the extent of latitude which the question admits, but simply to state a few facts relative to the original settlements of the frontier Seigniorships of this Province. The original settlers in these Seigniorships are what is termed in Canada West, "United Empire Loyalists." They were persons who, from their devotion to the British Crown, at the time of the Revolution in the American Colonies, and on the final settlement of the Boundary between the American Republic, and the present British American Colonies, left their all in the Republic, and in a state of poverty betook themselves to the nearest British Possessions. Thus they arrived at the Seigniorship Beaujeux, on the River Lacolle, now called the Seigniorship of Lacolle, which was, during the Revolutionary troubles, and the uncertainty of their final issue, purchased for a mere trifle by Major General Christie, of the British army, from Mr. De Beaujeux, the Grantee of the Crown. At the time of the arrival of these unfortunate sufferers in this country, they found a large tract of the wilderness in the possession of the said General Christie, and in their then needy state, it was absolutely necessary that they should obtain lands for the support of their numerous families, without delay sufficient to enable them to inform themselves what the original conditions were, upon which the lands were held by the then possessor. Nor was it easy at that time, (say sixty years ago) for persons of their condition to obtain such information; and believing from the exalted station of the individual, that he would not impose any burthens beyond his legal rights, they accepted the lands from him on his own conditions, and such as they

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and their descendants are convinced he has no legal right to impose, being bound to them by contract; in all cases where the *Censitaires* have appealed to the Courts of Justice, and pleaded the charter, the Courts have invariably, of late years, set the charter aside, and condemned them on the contract, as if it were a voluntary one. True, it carries on the face of it a contract of a voluntary nature, but it really was not so, inasmuch as it was coerced by the extreme necessity of the Grantee, who, to sustain himself and family in a time of extreme need, found it necessary that he should obtain lands, however hard the times. We have taken the liberty, thus minutely, to explain to the Board the manner in which these lands were settled, and we would further state, that these lands are now in the possession of many of the descendants of the original Grantees, who have taken much pains to inform themselves upon the subject of the rights of the Seigniors. They are under a firm conviction, that augmentation of rents is an imposition, unwarrantable by law, and we are persuaded, that the Board of Commission will readily see that the time has arrived, when the country will no longer submit to a Tenure, pregnant with principles so destructive to the enterprise and prosperity of the community; and we sincerely hope and trust, that from the labors of your Honorable Board, the Province will be relieved from a Tenure so destructive to its prosperity, and suitable only to a barbarous age.

(Signed)

J. McCALLUM,  
HENRY HOYLE,  
F. NYE,  
LEWIS ODELL,  
GEORGE HAY,

J. WHITMAN,  
D. McCALLUM,  
C. VANVLEET,  
M. HOTCHKISS!

No. 32.

QUEBEC, 5TH OCTOBER, 1790.

*Extract from the Report of J. Williams, Esquire, Solicitor General, at Quebec, delivered to the Governor and Council, by special order of His Excellency the Right Honorable Guy Lord Dorchester. Order dated 25th August, 1790. Written Report of Mr. Solicitor General, dated 5th October, 1790, at Quebec.*

Mr. Solicitor General states that the modern grants compel the Seignior to concede lands to his *sub-feuditors* at the accustomed rents and dues (*cens et rentes et redevances accoutumées*) for every acre in front by forty in depth. By one of the *arrêts*, bearing date 6th July, 1711, the Seigniors were bound to concede lands to their *sub-feuditors* for the usual *cens et rentes et redevances*, and by the *arrêts* of the 15th March, 1732, upon non compliance on the part of the Royal Grantee, the Governor and Intendant were empowered and directed to concede the same on the part of the crown, to the exclusion of the grantee, and the rents to be payable to the Receiver General. The grantees are thereby also restricted from selling any wood lands, (*bois debout*) upon pain of nullity of the contract of concession, a re-union of the land to the royal domain, and restoration of the purchase money to the *sub-feuditor*. By the *roture* tenure, the grantee, whether the king directly or his grantee *en fief*, immediately stipulated a specific sum (one half penny for every acre in front, by forty acres in depth) payable to him by the *roture* grantee, annually, on a fixed day at Seignior's Manor House, for what is termed *cens*, evidencing thereby that the Seignior's *censiers et fonciers*, or the immediate Seignior of the *roture* grantee (*Marque de la directe Seigneurie*) a specification indispensably necessary to entitle the Seignior to be paid the *lods et ventes* upon every subsequent alienation of the land granted (*cens portant lods et ventes*); and another specific sum, (one half penny for every superficial acre contained in the grant) for what is called *rente*. In the towns of Quebec and Three Rivers the reservations of the *cens et rentes* are variable and very low, but specifically ascertained.

There are legal burthens, but clearly ascertained, and which the *sub-feuditors* are liable to. But the grantees of long usage imposed other stipulations in their contracts of concession to the *sub-feuditors*, such as the *retrait conven-*

*tionnel*, the *sus retractum*, the payment of one or more bushels of wheat annually, one or more capons, a certain number of days' labour, *corvées*, &c. but these are conventional burthens.

(Signed)

J. WILLIAMS,  
Solicitor General.

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No. 33.

*Answers of Xavier Malhiot to the questions submitted to him by the Gentlemen forming the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

1.—I possess jointly with three of my children, the Seigniori of Contrecoeur.

2.—Part since the 14th June, 1814, part in 1830, and the last part in 1839.

3.—Messrs. de Laperrière.

4.—I am in possession of the original deed of Concession bearing date the 29th October, 1672, in favor of Mr. de Contrecoeur.

5.—See the preceding answer.

6.—I am in possession of the last act of *foi et hommage* rendered by Mr. de Laperrière on the 30th January, 1781.

7.—I am in possession of the *aveu et dénombrement* produced at the time specified in the preceding answer.

8.—See the preceding answer.

9.—I am in possession of a *papier-terrier* of the said Seigniori, drawn up in 1782.

10.—None.

11.—I am in possession of all the deeds of concession made by the former Seigniors.

12.—See the preceding answer.

13.—There is some difference between the *quantum* of the *cens et rentes* in the concessions made from 1673 to 1782. The *cens et rentes* vary from one *sous* per superficial *arpent*, one capon and one day of *corvée* for one *arpent* in front by thirty, to one *sou*, and from one French pint to one quart of wheat per superficial *arpent*.

14.—Five ranges in the lower part, and nearly six in the other, of different depths, all conceded and settled.

15.—I am determined to make them take out *titres-nouveaux*.

16.—See the preceding answer.

17.—See also the same answer.

18.—The *titres-nouveaux* depend on the primitive concessions, and vary among themselves without, in any way, altering the conditions and clauses of the former grants.

19.—See the preceding answer.

20.—Three wind mills declared to be Seigniorial (*banaux*) in this Province, by a *règlement* of the *Conseil Supérieur* of the 1st July, 1675.

21.—The cost of these mills, one of which I built, was about five hundred pounds, and the annual revenue from them, before the destruction of the wheat crops, was from £20 to £30. But since the ravages of the wheat fly, these crops have been reduced to less than half.

22.—I have received in the last ten years £3,000 of *lods et ventes*; which is equal to three average years.

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23.—The ground rents of the Seigniorie amount to £87 10, in money, 266 minots of wheat and 114 days of *corvées*; besides 120 other minots of wheat for rent of the six wind mills, the proprietors of which, by stopping the said mills, are no longer obliged to pay the said rents.

24.—Not once.

25.—No request whatsoever for commutation, has ever been made to me.

26.—There cannot be any demands made for new concessions, since, for more than fifty years past, there has been no more land to concede in the Seigniorie.

27.—See the preceding answer.

28.—See answer No. 13.

29.—No actions, to my knowledge, have been brought against any of my predecessors for the re-union of any lands to the Royal Domain on account of their having refused to concede them.

30.—I have never sued any *Censitaire* for not having settled or cultivated his land, nor to my knowledge have any of my predecessors.

31.—I have never sued to my knowledge, for the purpose of enforcing the right of *banalité* against any *Censitaire*.

32.—No action has ever been brought against me, nor to my knowledge against my predecessors, to oblige me or them to build or repair any Seigniorial mill.

33.—No action has ever been brought against me, nor to my knowledge against my predecessors, for refusing to concede wild lands or others.

34.—All the lands of the Seigniorie were conceded forty or fifty years before I had possession of it.

35.—See the preceding answer.

36.—I am not aware of any actions brought for the purposes mentioned in the 36th question.

37.—No refusal to concede has ever been made by me or by my predecessors, to my knowledge.

38.—Never.

39.—A voluntary commutation will not perceptibly alter the present tenure, inasmuch as it is still preferred by the Canadians; it is only to be regretted that the law is not changed, as respects the rates and conditions on which the Seigniors should concede, with regard to which I fear that some among them have introduced very onerous changes within the last thirty or forty years. Nothing else will effect a change of tenure than making it obligatory; and in this case I am of opinion that 7s 6d per *arpent*, or one-sixth of the value of the property would indemnify the Seigniors, payable in six years with interest; or perhaps it would be more advantageous to the *Censitaires* to convert the whole into a ground rent redeemable at pleasure, and calculated on the capital formed at the rate of 7s 6d per *arpent*, or one-sixth of the value of the property, provided that Her Majesty would resign her *droit de quint*, for which she has been perfectly indemnified by the abandonment of the *droit de justice*, and other rights which the Seigniors do not exercise.

40.—There have been several meetings of the Seigniors relating to the change of tenure in contemplation.

41.—I have seen the bill specified in the 41st question, and am convinced that it is not of a nature to bring about any advantageous or desired result.

42.—I am persuaded that the provisions of the said bill cannot effect any change whatsoever in the present tenure, in the first place because the basis or principle on which

the indemnification should be established is not defined, and also because the commutation is purely voluntary.

43.—See the preceding questions.

44.—The principle rights are *lods et ventes*, rent, *banalité*, *justice*, *retrait*, fishing, &c.

45 and 46.—See answer No. 39.

Remarks on the preceding Questions and Answers, subsequently submitted by the Honorable Xavier Malhiot:—

One-twelfth of the value of the property would not indemnify me for the *lods et ventes*; it would require one-tenth, or about one-eleventh. The capital which would result therefrom, joined to that formed by the rents in which the wheat should be estimated at least at 6s., should be converted into a *rente constituée*, redeemable at the pleasure of the *Censitaire*, and payable in sums of not less than one-third of the amount of the capital at each payment. The commutation should be obligatory, otherwise it will have no other effect than that of ruining the great part of the Seigniors in the end. If the commutation should not be made absolutely obligatory, the law should prescribe, that the commutation of the *lods et ventes* should take place at least twelve months before the sale, or promise of sale, of the property. It is understood that the indemnity above specified, should only be established in case Her Majesty should abandon or resign Her rights; for otherwise it would be altogether insufficient. The arrears due at the time the new law should come into effect, should be paid before commutation. The valuation of all property with the improvements on it, should be made by three Experts, one named by the Government, one by the Seignior, and one by the *Censitaire*.

300 lands of 90 *arpens* in superficies, which is about the content of the Seigniorie of Contreccœur, at 11s. 1d. of rents, (which makes less than three *sous* per *arpent*.) makes, reckoning the wheat at 6s.-----£166 5. 0.

The capital of which is.....	£2755. 0. 0.
300 lands valued at £200, is £60,000 and	
the capital, at the rate of one-twelfth for	
indemnity of <i>lods et ventes</i> , is.....	5000. 0. 0.
	<hr/>
	£7755. 0. 0.

This capital, the interest of which would be £465. 0. 0. would give nearly 5s. 9d. per superficial acre, and according to the above calculation, a capital for each land, taking one with another, of only 622 *francs*, or £25. 18. 4d., the interest of which would be 37fr. 4. or £1. 11. 0. that is to say, 222fr. for capital of the rents, and 400fr. for that of the *lods et ventes*.

One-eleventh, as indemnity for the <i>lods</i> , would make the estimation of the above calculation, a capital for each land of 436fr. 6s.....	436fr. 6s.
That of the rents.....	222. 0.
	<hr/>
	658. 6.

One-tenth would give capital, for each land—	480fr. 0.
That of the rents.....	222. 0.
	<hr/>
	702. 0.

The first calculation would give very nearly 5s. 9d. per superficial *arpent*; the second 6s. 1d.; and the third 6s. 6d.

One-fifth of the value of the property, as is demanded by some Seigniors, would give, according to the above valuation per land, a capital of 960fr.

One-sixth, according to others, would be for each land 800fr. 7s. 6d. per superficial *arpent*, being, I believe, the

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lowest price asked by the Seigniors, would make for a land of 90 arpens, 810fr. or £33. 15. 0. currency.

No. 34.

*Answers of C. J. Forbes, Esquire, M. P. P.*

1.—I am the proprietor of a land on the Seignior of Argenteuil.

2.—Since June, 1827.

3.—Major Muir, of the King's service, formerly of the 41st Regiment, who was in possession six or seven years, and Colonel Burk formerly of Her Majesty's 101st Regiment.

4.—I have not the original deed of concession.

5.—There is no trace in the documents in my possession where the original deed of concession is to be found.

6 & 7.—I have no *titre-nouvel*, and know nothing of any.

8.—Neither the one or the other being in my possession, I can give no explanation on the subject.

9.—My property is in the first range or concession, bounded in front by the Ottawa, and rear by the North River, consisting of between 6 and 700 acres.

10.—*Titres-nouveaux* have lately been granted to a considerable number of the *Censitaires*; but as I have not seen any of them, I am unable to inform the Board whether any alterations from the original deed have been made. The Notary of the Seignior is, I believe, Mr. Gibb, of Montreal, formerly Mr. Arnoldi, and at St. Andrews, Mr. Garber de la Ronde.

11.—I have understood that many of the *Censitaires* did complain, but whether the complaints were, principally regarding alterations and reservations, or concerning the sums they were compelled to pay for the renewal of their deeds, I cannot say; but it could be easily ascertained.

12.—I believe the complaints on other Seigniories were greater and more general than on this, particularly on the Seignior of Rigaud, where the new regulations pressed sorely upon the *Censitaires*. I would refer the Board to Thomas Stikeman, Esquire, of Rigaud, on this subject, who is himself well informed on the matter, and can procure valuable information for the Board.

13.—There are two banal mills, one at St. Andrews, and the other at La Chute, besides oatmeal mills recently erected at both places, which the agent of the Seignior pretends he has a right to compel all the *Censitaires* to make use of; saw and carding mills.

14.—The *habitants* are compelled to use the banal mills of the Seignior exclusively, although it frequently occurs in the spring and fall they cannot work from excessive high water, and often in summer from a contrary reason. The people adjoining Seigniories have frequent recourse to the St. Andrew's Mill, and sometimes those of Chatham, and even Grenville, but it is always, first come, first served, the *Censitaires* of this place having no preference.

15.—I presume the mills were originally built for the use of the *Censitaires*, but they have never been applied solely to their use; they have been sometimes let, and the lessee would naturally make the most of his bargain. They have been likewise used for manufacturing purposes, both from wheat purchased on the Seignior, and wheat imported; oatmeal is constantly manufactured for the Montreal market; all the mills are equally applied to the advantage of the Seignior.

16.—The mills latterly have done any thing but a valuable business, owing to the failure of the wheat crops, but formerly they were productive, especially after they were rebuilt prior to which they made worse work than any other mills in the country. Their productive value could be easily

collected from an examination of the mill books, which the Board would have an undoubted right to call for.

17.—I have never purchased land in any way over which the Seignior has exercised the right in question.

18.—Of course such a right cannot be considered onerous, seeing that the Seignior can exercise it within a certain time after the purchase; for, what grantee is there that he may not avail himself of the interval to find some one who may be willing to pay a much higher price, and who may not have known that such a property was in the market, or may be not make a still better bargain by selling it again upon mortgage, security at a greatly advanced rate. It must be born in mind, that every mutation gives the Seignior a *lods et ventes*; therefore if he were to resell without an advance, he would still be a gainer of a twelfth—no inconsiderable advantage. If his rights were limited to the discovery of a circumstance, or a fraudulent attempt to cheat him of his lawful dues, *à la bonne heure*; but it is a right without limitation.

19.—Such cases may have, and no doubt have existed, for Seigniors in general are not more immaculate than their neighbours.

20.—Before I became a proprietor in Canada, a Seignior offered to put me in possession of a property for a given sum, which he had the power to press the sale of for monies due to him. His object was, no doubt, to procure an improving tenant, a very natural method to increase his *lods et ventes*.

21.—How can it be considered otherwise than as most onerous and burthensome to *Censitaires*, so extraordinary a heriot as a twelfth upon every sale, or act equivalent to a sale. Such a marvellous imposition never could have been contemplated at the time the lands of Canada were originally parcelled out into Seigniories; certainly nothing beyond the calculated value of the land could have been thought of; and which value ought never to have been greater than what the *cens et rentes* would be the interest of. Every person is supposed to take land for the purpose of improving it, but this in the common way only as an Agricultural Settler; but supposing this land should be well situated for Manufacturing purposes, and a manufactory is put up on it, the lot which was conceded at a small rent charge, might become worth £12,000; ought it to follow that the speculator, for good or evil to himself, should be bound to give £1000, in case of sale to a Seignior, who has assisted in no way to render the property of increased value. The proof that such a preposterous claim could never have been contemplated, is, that they would otherwise have been fully secured against all chances. Whereas as the matter now stands, the proprietor has a right to take down his improvements, and sell the materials, and then the land upon which the buildings stood at a quit rent, when the purchaser of both might apply the materials to the same, or any other purpose. Or supposing the buildings to be destroyed by fire, the Seignior is not entitled to share a portion of the insurance, therefore, if he has no claim in either of these cases, he would have no claim at all.

The *lods et ventes* are universally complained of, and certainly the *Censitaires* are desirous to be relieved from so gross an imposition; and my opinion is, that there is not one but would desire to have the burthen converted into a Land Tax, as an addition to their present rents, and the whole to become a money rent.

22.—This could be satisfactorily ascertained, by calling upon the Seignior for copy of the original deed of concession.

23.—If such right exists, and I believe it does, it is certainly but little attended to in this Seignior, for I have never heard of any *Censitaire* abstaining from clearing his land in his own way, and disposing of any timber he can get a price for. It would certainly be truly onerous if he were not permitted to clear his land, because a certain number of pine and oak trees were to be found on each acre of his ground. This Seignior has within my recollection taken all the timber he required, and wherever he could find it most conveniently, to build three grist mills, and two saw mills. Although there are reservations in Township titles, the

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King never urges his right, but always pays for what is taken.

24.—It is not within my knowledge that any application has been made by any *Censitaire* upon this Seignior for a change of Tenure. I have not done so for the best of reasons. That I was aware the Seignior had no power to commute with me, as he had not commuted with the King.

25.—I presume there is not a *Censitaire* on this Seignior, that would not willingly commute his Tenure into that of free and common soccage; which I presume, is that of *franc aleu roturier*, for the very name of serf stinks in the nostrils of every man of sense in this country.

26.—No application that I am aware of has been made for a change of Tenure, for the reason given in reply to Query 24.

27.—The exaction of *lods et ventes* on sales of land, buildings or emplacements, in Towns or Villages, is onerous in the extreme, but not more so than in country parts, where a spirit of improvement prevails, as the Seignior benefits upon that which he has not directly or indirectly contributed towards, viz: the industry, capital or invention of the *Censitaire*. The value of the buildings can never bear a relative value to the lot or emplacement, which was originally created for the forest; for example, a part only of the village of Carrillon, which formerly belonged to the Cameron family, might have been purchased sixteen years ago for £200, was ten years ago sold in lots and realized £1200, thereby giving to the Seignior 50 per cent upon land over which he might have exercised his *droit de retrait*; some of these same lots have again been resold at an advance of 250 per cent, and are daily acquiring a higher value. In fact, besides the *cens et rentes*, the Seignior has actually within sixteen years, received more than the original value of the property, and it still remains a nest egg to him in all time to come, unless something should be done through the means of your Commission, to secure to the present and future proprietors the natural advantages of their outlay and speculation.

28.—Answered in the preceding replies.

29.—Would it not be better that your Board should suggest various plans, and submit the same to the most intelligent *Censitaires* in the different sections of the country. But I can have no objection to state my views on the subject, in the hope that your Board has been created with the avowed object of ridding the country of these infernal and degrading burthens, than which the most despotically governed country in Europe was never subjected to more galling, and moreover never would have borne elsewhere in the way these wretchedly governed colonies have submitted to them.

I would suggest that District Commissioners be appointed (after your Board shall have examined every Seigniorial Title deed, and ascertained what the original deeds of concession actually do guarantee to the respective Seigniors, of which all *Censitaires* are in complete ignorance) to ascertain what may have been the real revenues for a term of years, (say 10) and who shall then assess each property of the Seignior to the extent of that income; such assessment to be converted into a land tax, to be affixed as a lieu upon each property, but permitting *Censitaires* to redeem the same in the proportion that the principle would bear to the interest at 6 per cent. This would be the means of causing the profits to be expended on the Seignior instead of its going to benefit the large towns, or the United Kingdom, to which some of our Seigniors have retired; and all may, so soon as their Feudal dues shall be converted into a fixed income. The Schoolmaster is equally observant in this country, of abuses, as in England, in matters of Slave and Catholic Emancipation, and the Seigniors will do well to watch the signs of the times, or they may chance to lose every thing. If they do not consent to a commutation upon reasonable terms with a good grace, I would urge the country to petition the Legislature to enact, that all questions between Seignior and *Censitaire*, should be made cases for the decision of Juries. The tender mercies that they will obtain under their hands, will soon force them into compliance with what stern justice to the country requires.

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30.—This unfair collusion is, I am credibly informed, taking place to the extent of all the unconceded lands in the Seignior of Terrebonne, and perhaps the same may be the case in other Seigniories, which will no doubt be reported to your Board in detail, something very like it has been attempted in the Seignior of Rigaud, as will be perceived by the accompanying correspondence between the Agent and Thomas Stikeman, Esquire, at Point Fortune, whom I would recommend your Board to call upon for further information on the subject, and who I believe can prove beyond a doubt, that land has been conceded to others upon an understanding with the Honorable J. D. La Croix, the former agent. A few separate Questions put to this gentleman will, without doubt, elicit something important and conclusive.

31.—I have been so little resident in this country, that I am not able to give information on the subject of this query. I have had no action of the kind.

32.—There is evidently a mistake in this Query. 1711 is so much longer ago than any person living could speak to; and with regard to title of this date or previous, I believe this Seignior was not conceded at that time. There are strong doubts whether the Seignior of Argenteuil possesses the original deed of concession from France, and whether a Madame Dinbo was not the first proprietor, but by what title possessed, is not known. This hint given to your Board will, I am sure, not be thrown away.

33.—I cannot state any of these particulars.

34.—I am not aware of any such proceedings ever having been instituted.

35.—Mr. Stikeman's is the only case I can mention. I have never cared much to enquire into such matters as they did not immediately concern myself, but he did not proceed beyond remonstrances; his desire was to obtain concession for his sons.

36.—The same reply as above.

37.—Mrs. Bingham, as Seignioress, and Mr. Stikeman as *Censitaire*.

38.—Many, no doubt, have complained to the constituted authorities when opportunity has served them, as I have done; but how few *Censitaires* in the country have had the opportunity; and after all, what could the authorities do to remedy the evil. It was a matter for the Legislature. This vile Tenure has been proclaimed as a nuisance by all grades and distinctions, and was it not a subject of vehement complaint at all the meetings antecedent to our troubles in 1837. The resolutions past on these occasions shew it but too plainly: and has it not been accepted as the pledge at the late elections in more counties than one.

39.—The change of tenure by which a man might improve his property for the advantage of himself and his family, and not for a Seignior, would undoubtedly benefit the country at large, and be most desirable.—*Vide* reply to query No. 25.

40.—*Vide* reply to query No. 29.

41.—*Vide* reply to query No. 29.

42.—I do not consider that any modification of the Seigniorial title can, or ought to satisfy the people, or the Government; and therefore the abolition must be a *sine qua non*—but it does not follow that in destroying the system, injustice must necessarily be done to the Seigniors. They can be fully indemnified to the full extent of the real revenue they now desire.—*Vide* reply to query No. 29.

43.—With reference to reply to query No. 29, I can see no fairer mode of settlement than by arbitration, which is the species of Commission I allude to, the basis of the arbitration being settled by your Board, and sanctioned by Act of the House of Assembly, in order that it shall become binding upon all parties.

44.—I should prefer an Act that would make it compulsory on both parties, and that the same should be carried

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into immediate effect—but I would urge that no such clause as the 15th should find its way into the Act, as the commutation of the *quint* will necessarily fall upon the *Censitaires*. The *Censitaires* will feel the burthen sufficiently oppressive with this, and the revenue of Canada can well undertake to forego such an advantage, seeing that the sum the *Censitaires* will become charged with for commutation will amount to more than the fee simple price of any lands sold by the Crown in either Canada West, or the Townships in Canada East, and that the inhabitants of Canada East are in future to be burthened with the same imposts, and other dues as their more favoured neighbours in the West, who have a superior climate for all agricultural purposes.

45.—The Seigniorial claims are: mutation fines, *cens et rentes*, *droit de banalité*. The *Censitaire* to keep in repair all roads and bridges leading to *banal* mills. A right to all mill streams or such as he may consider such, consequently that no *Censitaire* shall put up any mill whatever for manufacturing or even domestic use; *droit de pêche*; right to white pine and oak, suitable to all his purposes; prescriptive right over the property of *Censitaires* beyond what the land gives to other creditors.

46.—Answered in reply to query No. 29.

47.—*Vide* replies to queries Nos. 29 and 43.

48.—Observations called for by query 48.

The feudal system is iniquitous, because the Seigniors have exacted a high monied price from the *Censitaires* for wheat (say as high as 9s.) which could not be paid in kind, as the lands in Lower Canada have not for some years past produced any, owing to the ravages of the fly, thereby adding insult to misfortune, for the purpose of increasing their own advantage.

Because, Seigniors are in the constant habit of allowing the *Censitaires* to fall in arrear in their payments, and then forcing the sale of the property, and thereby securing to themselves *lods et ventes*; and frequently this arrear claim is made subservient to electioneering purposes, by which they obtain an immense control.—I take this as a fact particularly as regards the recent elections in this country.—An obnoxious influence so bitterly complained of in Great Britain, and for which the Reform Bill was created.

Because, in times of trouble, the Seigniors who held their titles in fealty, neither contribute personally, or by any means to assist the country, but rather by example discourage the exertions of the country.

Because, by assuming rights over navigable rivers, they are capable by the dams they have erected, of flooding valuable property to the manifest injury of others, without making compensation for the same, (in this Seigniorship this has been particularly the case) besides depriving the inhabitants of a profitable source of employment in fishing.

Because, by their assumed right over such navigable waters, they prevent manufactories being established, unless they be allowed to participate in the profits, even to the extent of one-third, and thereby keeping capital out of the country.

An Agent for a company in Scotland applied for a privilege to establish a woollen factory, and offered to invest £10,000 in improvements, but declined to conclude a bargain upon such onerous terms as the sacrifice of a third of the profits.—How advantageous such an establishment would have been to the farmer; your Board can well judge.

Because, Seigniors have the power to oppress *Censitaires*, particularly the lower class, by assuming rights which in reality they may not possess, upon which they claim payments which it is ruinous in the others to resist, and the former being *fainéants* can afford time to attend the Courts of Justice, and the latter industrious portion of the community not being able to quit their houses without the loss of their precious time, and by incurring pecuniary sacrifice.

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The last sale of Government Lands in the rear of Chatham and Grenville were made at a quarter dollar per acre, and not farther removed than eight miles from the river Ottawa, and adjoining this Seigniorship, the interest upon which for 90 acres is only 6s. 9d., whereas for Seigniorial 90 acres, of not a bit better quality, nor more advantageously situated, the annual payment would have been 3 bushels of wheat (perhaps at 9s. per bushel) and a dollar.

(Signed)

C. J. FORBES.

Carillon, 26th July, 1842.

No. 35.

POINT FORTUNE, 17TH AUGUST, 1842.

Answers of T. Stikeman, Esquire, of Rigaud, and Papers therewith produced.

1.—Yes, two hundred and forty acres in superficies, in the parish of Ste. Magdeleine in the Seigniorship of Rigaud.

2.—Since the 22d of October, 1832.

3.—Mr. John Thompson sold to him 6th September, 1822.

4.—I am not.

5.—No. It is possible it may be obtained at the Prothonotary's Office at Montreal.

6.—Yes, dated 22d October, 1833. I hold a *titre-nouvel* for four concessions of 60 *arpens* each, and I send herewith two certified copies for Nos. 41 and 42, first and second concession; the other two, being of the same tenor and date, I consider it unnecessary to send them. I was compelled to take out new deeds, as I was threatened with a prosecution if I did not comply with M. De La Croix's desire. See letters No. 1, dated 15th March, 1836, and No. 3, 7th January, 1839.

7.—Answered by question No. 6.

8.—There does not appear any difference, as I keep an exact account of money paid for *cens et rentes*.

9.—Two front concessions on the Ottawa River, of three *arpens* each; two second concessions in continuation, of three *arpens* each, in Ranges Nos. 41 & 42.

10.—*Titres-nouveaux* have, I believe, been made and executed by the *habitans*. The *Censitaires* about this immediate neighbourhood, principally Scotch, have had new deeds granted to them, and executed by J. O. Bastien, junr. Notary Public.

11.—I did not make any complaint as to the charges, but I did with regard to the reservations. I was distinctly told by the then agent, Mr. De La Croix, that the deed was in strict accordance with the original deeds. I therefore said no more.

12.—I am not aware of objections being made, as I have no communication with the *habitans*, that is *les Canadiens*.

13.—There is only one mill in the Seigniorship that I am aware of, that is (*un moulin banal*) situated at Rigaud.

14.—The mill is used by the *habitans* and *Censitaires*, when it is in order, but I have very frequently seen the *habitans* pass my door with grain, to be ground in the Upper Province, or at St. Andrews; on inquiry of the cause, I have been told that the mill at Rigaud *était démanché*. I have sent grain myself to the mill, and brought it back for the same reason.

15.—I cannot answer this Question.

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16.—I have only visited that mill myself once or twice, and never turned my attention as to its value.

17.—I have not made any other purchase than what is specified in my deed, *vide* No. 6.

18.—I should consider it so.

19.—I am not aware that he has.

20. I cannot say.

21.—I do most decidedly; and it is so with the people in my immediate neighbourhood, but as to commutation, I can say nothing. I doubt much, if the generality of the *habitans* would have the means of commuting, although they would wish to be relieved from the Seigniorial charges and burthens.

22.—*Les titres-nouveaux* I have sent, will best answer this Query.

23.—I certainly consider it both onerous and burthensome, but it would not impede my progress did I require to clear any of my land. As to other *Censitaires*, I can say nothing.

24.—I have not, nor am I aware of any *Censitaire* who has.

25.—I have not, nor do I know that the *Censitaires* have. I should not object to commute the Seigniorial Tenure into that of *franc aleu roturier*, provided it is done on fair and equitable conditions.

26.—I have not. I am ignorant of the *habitans* having done so.

27.—I do not feel competent to give an opinion.

28.—I consider the *lods et ventes* a great burthen, and injurious to industry and commerce, and are, I believe, generally considered as such.

29.—I have never turned my mind to this point, therefore I cannot suggest any plan at all suitable to effect this object.

30 & 31.—I cannot reply to these two questions.

32.—Not to my knowledge.

33.—I cannot.

34.—I have never had proceedings of any kind instituted against me; as to other persons I can say nothing.

35.—I have not, nor am I acquainted with any one who has.

36.—I know of no action having been brought by any *habitant*, against the Seignior for non concession of wild lands.

37.—I do not know of any action having been instituted against the Seignior. I have frequently applied myself for two additional concessions in this Seignior, and I have been refused, as you will perceive by copies of the communications with Mr. De la Croix and Mr. Meredith, agents to Mrs. Bingham, transmitted to you by Mr. Forbes, to which I beg leave to refer you.—See letter from Mr. De La Croix, No. 2, dated 7th January, 1839, and No. 4, dated 15th May, 1839; also, a letter from Mr. Meredith, of the 12th November, 1839, and one dated 9th December, 1840, No. 8, stating I have no legal claims against Mrs. Bingham, the Seignioress.

38.—I have no knowledge of any complaints having been made to the constituted authorities of the country.

39.—As far as I am able to judge, I think a change of Tenure would improve the condition, and promote the welfare of the people. I consider it would encourage Agricultural pursuits, and place the industrious community upon a

better footing, when they feel themselves relieved from the present oppressive Seigniorial burthens.

40, 41, 42 & 43.—I have never given these subjects sufficient consideration, to throw any light upon the various points therein contained.

44.—I must candidly admit, that I cannot give an opinion on the merits or demerits of the Bill.

45.—This query can best be obtained from the *titre-nouvel* which accompanies this document.

46, 47 & 48.—These three last queries are of a nature I have not sufficient knowledge of the general value of the property in the Seignior, to give an opinion.

(Signed) T. STIKEMAN.

N. B.—The first deed of concession was granted to the late Mr. Joseph Fortune, (Col. Fortune, Surveyor,) dated 9th October, 1797, sold to Peter Burs, 28th September, 1809; sold to John Thomson, 6th September, 1822, and to me by the Tutor of the Estate, Eric McArthur, the 22nd October, 1832.

(Signed) T. STIKEMAN.

No. 1.

(Translation.)

MONTREAL, 15TH MARCH, 1836.

Sir,—I require of you the exhibition of the titles of any property which you possess, of the *censive* of Madame Bingham, which titles, if you have any, you may place in the hands of Mr. Fournier, who resides at the Manor-house of the Seignior, and who is authorised by me to receive the said exhibition.

I have to inform you, that I cannot allow you more than fifteen days from the date of this letter. Should you not conform to the present notice, I shall be compelled to have recourse to a suit at law for the purpose of obliging you so to do. Be pleased to spare me so unpleasant a course.

I am with consideration, Sir,  
Your most-humble servant,

(Signed) J. D. LA CROIX.

Agent of Mdme. Bingham for the Seignior of Rigaud.

Mr. STIKEMAN, Rigaud,

No. 2.

(Translation.)

MONTREAL, 7TH JANUARY, 1839.

Sir,—Having written to Madame Bingham, on the subject of the promise which you had told me she had made to you of the continuation of your lands, she does not admit it in her letter, but tells me to make you take out new titles (*titres-nouveaux*) of the lands which you possess in her *censive*, not wishing to concede at present the continuations of the lands of Point-Fortune. In consequence of the orders which she imposes on me, I am compelled to request you will come to Rigaud, to the Manor-house on the 19th instant, if you see fit; if not, my orders are to place every thing in the hands of her lawyer, Mr. Mondelet. I beg of you to spare me this unpleasant duty.

I am with consideration,

(Signed) J. D. LA CROIX.

THOS. STIKEMAN, Esquire, Point Fortune,

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No. 3.

11th October.

(Copy.)

POINT FORTUNE, APRIL 6TH, 1839.

Dear Sir,—I shall feel much obliged to you if you will do me the favor to inform me, as agent to Mrs. Bingham's, Seignior of Rigaud, upon what annual charge you will allow me to cut wood for my own use (not for sale) on the premises in continuation of my hire of land which Mrs. Bingham has not yet conceded to her *Censitaires*; an early reply will oblige.

Yours, &amp;c.

(Signed) T. STIKEMAN.

J. D. LA CROIX, Esq., Montreal.

No. 4.

(Translation.)

MONTREAL, 15TH MAY, 1839.

Sir,—In answer to yours, I have to inform you that Madame Bingham having no intention to concede, does not wish any one to take wood from off the unconceded lands. But having written on the subject to Madame Bingham, on your application, I shall make it my duty to answer your application, but for the present my orders are not to accede to it.

I am, &amp;c.

(Signed) J. D. LACROIX.

THOMAS STIKEMAN, Esquire,  
Point Fortune.

No. 5.

(Copy.)

POINT FORTUNE, 6TH NOVEMBER, 1839.

Sir,—I hope you will excuse the liberty I have taken in addressing you, and to acquaint you that I have made several ineffectual applications both to Mr. Teesdale and Mr. La-Croix, the late Agent to Mrs. Bingham, to grant me the new concessions in her Seignior in continuation of my line of land, but I have never had any ostensible reason assigned for not granting them to me when many of my neighbours have had them granted to them. I have therefore on the 1st instant written to Mrs. Bingham on the subject, as she promised me since 1832, through a gentleman, a friend of mine residing in this vicinity, that when the land was conceded I should get my portion. I have to observe that on the 19th January, 1839, I obtained new deeds for the concession I hold, from Mr. La Croix, who then read a paragraph from Mrs. Bingham's letter, saying that she would not grant any more land; and on the 20th of the same month, he passed a deed for the new concession to Mr. John McLaughlan, of Point Fortune; this seems to me a mystery. Under these circumstances, I am seriously inconvenienced for want of wood for fuel and fencing. Two days ago, I applied to Mr. S. Fournier, to ask him whether he would allow me to cut wood on the line of continuation now conceded, solely for my own use, and not for profit or sale; he replied he had not the power, but advised me to apply to you, as you may probably be invested with sufficient power to grant my request. I therefore beg leave to make the same request to you, and I shall esteem it a favor if you would reply to my request at your earliest convenience.

I remain Sir,

Your obliged and obedient servant,

(Signed) T. STIKEMAN.

D. MONDELET, Esq., Montreal.

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(Copy.)

MONTREAL, 12TH NOVEMBER, 1839.

SIR,—As superintendent of the Seignior of Rigaud, I this day received from Mr. Justice Mondelet, my former partner, your letter of the 6th.

Mrs. Bingham's instructions to me are not to concede any land in her Seignior. I have however written to her pointing out the propriety of making concessions in certain cases.

My instructions render it my imperious duty to see that no timber is cut upon Mrs. Bingham's unconceded lands.

I shall, you may feel confident, advert to your letter when next I write to Mrs. Bingham, and communicate to you her reply when received by me.

I am Sir,  
Your most obedient servant,

(Signed) W. C. MEREDITH.

T. STIKEMAN, Esq., Point Fortune.

No. 7.

(Copy.)

POINT FORTUNE, 4TH DECEMBER, 1840.

SIR,—Having made so many applications to Mrs. Bingham, thro' the several agents she has appointed from time to time since I purchased this property, for my portion of the unconceded land, all of which have proved ineffectual, I have to remark that other *Censitaires*, who applied for their continuation of the unconceded land, have obtained them, and some of them subsequent to the time Mr. La Croix read to me a paragraph in a letter from Mrs. Bingham saying, "that she would not grant any more land." I have most scrupulously fulfilled all my engagements, I have paid the *lods et ventes*, and the rents most punctually. I cannot therefore refrain from observing that I consider myself extremely ill used.

When I purchased this property I was given to understand that I had the prior right to the continuation of the unconceded land, that they could not be withheld from me; it is now eight years since I have been prevented from obtaining them. I must therefore request that you will do me the favor to say positively whether I can obtain the additional concessions or not, that I may take such steps as I may consider proper to obtain what I conceive to be my just right. I am the more anxious at present to obtain them as I have four sons now grown up, and I find the land I now hold insufficient for my demands.

Pray accept my apology for troubling you so frequently, and believe me, Sir,

Yours, &amp;c.

(Signed) T. STIKEMAN.

C. W. MEREDITH, Esq., Montreal.

No. 8.

(Copy.)

Sir,—It would afford me much pleasure to obtain for you a grant from Mrs. Bingham, of the land alluded to in your letter of the 4th instant, but under existing circumstances it is not in my power to do so. Mr. Joly, Mrs. Bingham's brother-in-law, will be here next spring, and as his powers are much less restricted than those I possess, I shall bring your letter under his consideration, and I confidently trust it will be acceded to, as it is evidently Mrs. Bingham's inter-

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est to have her Seigniorie tenanted so far as may be possible, by enterprising and respectable occupants.

At the same time to prevent misapprehension, I feel myself called upon by the tone of your letter, to inform you that if Mrs. Bingham concedes any part of her lands to you, her doing so will be her own spontaneous act, inasmuch as you have not in Law, any or even the slightest claim, upon Mrs. Bingham; upon this assurance you may confidently rely.

I remain, Sir,

Your's &c.

(Signed) W. C. MEREDITH,  
Agent for MRS. BINGHAM.

THOS. STIKEMAN, Esquire,  
Point Fortune.

No. 36.

Answers of J. R. Raymond, Esquire, to the questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

1.—I possess lands *en roture* in the Seigniorie of Laprairie and in that of St. Sulpice.

2.—I have been in possession of the said land in the Seigniorie of the late order of the Jesuits since the year 1813, and of the said lands in the Seigniorie of St. Sulpice, since 1831.

3.—At Laprairie my father was proprietor, and had been in possession for thirty years; at l'Assomption, my father-in-law, Mr. Le Roux, had been proprietor for different lengths of time, having acquired the lands at different periods, but all remote.

4.—I am not in possession of any deed of concession of my property at Laprairie, and I have only a deed of concession of a certain *emplacement* in the village of l'Assomption, dated the 20th September, 1780, a certified copy of which I transmit to the Commission. In the absence of any other deed of concession of land belonging to me, I transmit a certified copy of a deed of concession of a land, by the Seigniors of St. Sulpice to Joseph Leblanc, dated the 5th February, 1774.

5.—I cannot say who has my other deeds of concession of my property at l'Assomption; as to those of Laprairie, they are very probably in the hands of the agent of the Seigniorie.

6.—There have not been passed to the best of my belief, any new titles (*titres-nouveaux*) in the Seigniorie of St. Sulpice. The representatives of the late Jesuits, have obtained letters patent, to have the titles of the *Censitaires* of the Seigniorie of Laprairie renewed. Mr. J. B. Varin, agent of this Seigniorie, who has made the *Terrier*, might be able to give you a certified copy of my title.

8.—I cannot answer this question decisively, not having yet seen my new deed. I am inclined to believe there is no innovation.

9.—My land at l'Assomption is  $4\frac{1}{2}$  *arpens* in front by 37 *arpens* in depth; it is situated on the South shore of the river l'Assomption, opposite the village.

10.—There has been no *titre-nouvel* taken out in the Seigniorie of St. Sulpice nor in any other Seigniorie of the Inferior District of Leinster, except in a part of the *fief* Martel. But I cannot say what impression the proceeding may have made on the *Censitaires* in this latter case.

13.—There are four Seigniorial mills (*moulins banaux*) in the Seigniorie of St. Sulpice; there are, besides, three wind mills.

14.—All the mills of the Seigniorie of St. Sulpice are let out to millers who turn them to good account.

15.—I believe that all the mills which have been built in the Seigniorie of St. Sulpice, have been so for the use of the *Censitaires*, and not otherwise. There is however a mill built on the River *du Petit St. Esprit* by Mr. Dalrymple, in virtue of privilege which he has acquired from the Seigniors, where he manufactures oatmeal on speculation.

17.—I have never been so situated as that the Seignior might have exercised towards me the right of *retrait conventionnel*. I may however, farther on, submit to the Commission some cases in which the Seigniors have availed themselves of this right, in the neighbouring Seigniories.

18.—The right of *retrait conventionnel*, generally speaking, is looked upon as very onerous.

19.—I do not know that any case analogous to this question, has occurred in this Seigniorie.

20.—I believe that the Seigniors of St. Sulpice avail themselves little, if at all, of the right of *retrait conventionnel*.

21.—I am of opinion that the right of *lods et ventes* which the Seigniors have on the sales of properties, is not only very onerous, but even odious, from the manner in which it is exercised. It is generally complained of: the *Censitaires* wish to get rid of it, but the idea of commutation does not please them much.

22.—I refer the Commission to the two copies of deeds of Concession.

23.—This reserve is undoubtedly very onerous, for if the Seignior wished to avail himself of it, it would be very annoying to the possessor of wild land, in making his clearance; but in fact, I do not know that the *Censitaires* of this Seigniorie, have had to complain of any abuse of the power on the part of the Seigniors of St. Sulpice.

24.—I do not know that any *Censitaire* has availed himself of the Ordinance of the Special Council, which permits the Seigniors of St. Sulpice to commute with their *Censitaires*. I have heard it said, that some one intended asking them to commute, but at a rate below that allowed them by the Ordinance.

25.—I have not applied to the Seigniors with a view to obtain a commutation of tenure; nor do I see that the conventional rights, nor the rights to *lods et ventes*, can much affect the interests of the great mass of the ancient inhabitants, who do not wish to sell, and who have no more wood on their lands; but I conceive that for those who regard a land as a bale of merchandize, which they wish to convert readily into specie for trade, it would suit better that the immoveable property should be freed of all charges and dues, which the sale of their premises might subject them to pay to the Seigniors. How is this end to be attained? I shall endeavour to shew this, farther on; at least with reference to some of these rights.

26.—I am not aware that any *habitant* has asked of the Seigniors of this Seigniorie, lands in free and common socage.

27.—The right of *lods et ventes* on sales of property in towns and villages is certainly much more onerous than in the country, generally speaking. I shall leave the towns aside and speak only of the villages. I will cite for example the village of l'Assomption. A good *emplacement* may be found there for one hundred dollars; six months later a house and dependencies may be erected thereon, which may have cost two or three hundred pounds, and in some cases upwards of a thousand pounds; thus, in six months the Seignior, in place of two pounds which he would have had to receive for his *lods et ventes*, if the *emplacement* in question had been sold for six hundred francs, sees himself in assured expectation of £25 for *lods et ventes* on the next mutation. Is not that a tax on the industry, the sweat, and the capital of him, who in some instances has advanced the value of a swamp of no intrinsic value.

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28.—Assuredly the right of *lods et ventes* in the above cited case is most prejudicial to industry and commerce, but more particularly in towns and villages; and the Board are not ignorant of the complaints and murmurs which for a long time past have been excited in the towns: nor are the villages less alive to their interests.

29.—As to the extinction of the right of *lods et ventes* in the Seigniories, it belongs to the Seigniors by law: they cannot be deprived of it without a just and reasonable compensation, conformably to the views of the original Seigniors, the Kings of France, who did not desire so much to enrich their creatures, as to effect the settlement of a wild country, and who had not in contemplation the creation of an aristocracy. As to this compensation, it appears to me practicable to permit the *Censitaires* to commute for that part of their land on which they have built, or intend to build their houses and other buildings, by naming arbitrators to determine the comparative value of this part of the land. As to the rest of the land, if the proprietor desires to retain it *en Seigneurie*, I should wish that the *lods et ventes* should be liable to be exacted only in proportion to the value of the said land at the period of its concession, or in proportion to the price of wild land sold by the Government. As to the other conventional rights, I am not sufficient of a lawyer to treat on this question: but as the rights of *retrait*, of *banalité*, and the cutting of certain wood, &c. are only founded on a mere agreement between the grantor and the grantee, and as the law does not support the grantor by maintaining him in these pretended conventional rights, I am unable to say to what degree a remote generation, with deliberate purpose and in contravention to the authority of the laws, can bind succeeding generations: the Commission will find without doubt in their wisdom, and in the answers of other gentlemen, the means of answering this difficult question, the effects of which if it be decided to indemnify the Seigniors for these conventional rights, must fall either directly or indirectly on the *Censitaires*.

30.—I am not aware that in the Seigniorie of St. Sulpice the abuse alluded to in the question has existed, but the Commission will perceive that this practice has prevailed to a great degree in certain Seigniories to the South of the River Saint Lawrence.

31.—I cannot answer this question, having no data on this subject.

32.—The same answer.

33.—I have no other data than the two copies of deeds of concession which I transmit.

34.—Same answer as the 31st.

35, 36 and 37.—Same answer.

38.—I am aware that during many Sessions of the Legislature of Lower Canada, there have been presented to the different Branches of the Legislature divers petitions from a great number of *Censitaires* of different Seigniories, and especially of the Seigniories of the deceased General Burton, complaining of the high rates at which the lands were conceded in the said Seigniories, and of the little uniformity which existed in the conditions and charges of the said concessions; the same complaints were made by the *Censitaires* of the Seigniories of Beauharnois, who alleged in their petitions that the Agents of the Seigniories sold the best timber off the lands before conceding them, and that the concessions were made at an exorbitant rate.

39.—I have not yet been able to convince myself that any other tenure would suit the country better in its present situation than the feudal tenure, provided always that this tenure were freed of the abuses which have crept into it, by degrees, since the settlement of the country. Let there be established a uniform rate of *cens et rentes* throughout the Province; as to the Seigniories, let the pretended conventional rights of *retrait*, of *banalité*, &c. be regulated; let the right of *lods et ventes* be established in a way that shall be just and equitable for all parties; and I believe that the great majority of the possessors of real property will be more satisfied with this than with a change of tenure; for, in my humble opinion, the great mass of the country *habitans*,

will never consent to disburse a large sum of money to buy out the Seigniorial rights which are so trifling wherever the Seigniors have not departed from the primitive rates. Provided always that the rights of *lods et ventes* and other charges be regulated as I have explained above. What chiefly engages me to hold this opinion is the conviction which has grown upon me, that if all the Townships of the Province, and more especially the Eastern Townships, had been granted as Seigniories, I am almost certain that they would all have been conceded one after the other, starting from the ancient Seigniories, and that we should now have an uninterrupted line of settlements from the River St. Lawrence to the frontier of the Province; into which our Canadians would have thrown themselves in crowds to settle under the protection of those laws and usages which have become to them a second nature; but a different policy has led to a different order of things. If the Commission, in their wisdom, can find a means of freeing the country *habitans* without requiring them to make to the Seigniors too large a sacrifice in money, I should have no great objection to the tenure of free and common soccage; but if they are to pay interest on the amount of the sum which they may have promised to pay to the Seigniors for commutation, it is a bait held out to the Seigniors, who sooner or later will become the sole landed proprietors, and in a short time we should see the picture of the ancient countries of Europe, re-imagined here; and in place of respectable *habitans*, possessors of their fields, we should see, as there, only humble serfs under the yoke of a haughty aristocracy. To sum up all, I avow, and I venture to say it in the name of nine-tenths of my fellow citizens, that I incline to the feudal tenure freed of its vices.

40, 41 & 42.—No answer.

43.—I should approve of the nomination of arbitrators, as suggested by the Commission.

44.—I have seen the Bill in question; it was opposed in the House by only two voices; it did not however become Law. I should wish that there was an amendment made to it, permitting the *Censitaire* to commute for such part of his land as he might wish.

45.—The answer will be found in the two copies of titles which I forward to the Commission.

46, 47 & 48.—No answer to these questions.

St. Jacques, 19th August, 1842.

(Signed) J. R. RAYMOND.

No. 37.

*Answers of Censitaires of the Parish of Berthier.*

(Translation.)

At a meeting of the *Censitaires* of the parish of Berthier, held in the public hall of the said parish, on the 21st day of August, 1842, to take into consideration the answers to be given to certain questions proposed by the Commission of Inquiry on the Seigniorial Tenure, the following persons were unanimously chosen to take cognizance of the grievances which might be submitted to them, and to draw up a categorical answer to the said questions, that is to say: François Olivier and Louis Paquette, François Laval-léc, Maxime Fernet and Pierre Amable Dostaler.

1.—The said *Censitaires* are all proprietors of lands held *en roture* in the *fiefs* of Randin, Berthier and its augmentations; Dorvillier and part of Dautrai, composing together the parish of Berthier.

2 & 3.—They have been in possession of their lands, either personally or by their ancestors for more than one hundred years.

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4 & 5.—Many are in possession of their original deeds; but it would entail expense on them to furnish certified copies; the greater part of the original deeds of concession are in the hands of the Seigniors.

6 & 7.—Copies of *titres-nouveles* will be produced.

8.—There is a difference between many of the deeds of concession and the *titres-nouveles*, inasmuch as in these latter, the rate of rent is increased and new services are created; and, independently of this, the rents have already been augmented at the time of the mutation of a great number of lands.

9.—The lands of this parish contain from 60 to 80 superficial *arpens* each.

10, 11 & 12.—They commenced making the *Censitaires* take out the *titres-nouveles* in 1832 and 1833. The Notaries employed for this purpose were Jean Bte. Chalut and Charles A. Forneret; they frequently refused to let them take out *titres-nouveles* because the *Censitaires* exclaimed against the new servitudes which they wished to impose on them, and did not agree with the Seignior; the objections of the *Censitaires* were chiefly grounded on the circumstances, that the *titres-nouveles* (all the charges in which except the rent were printed beforehand) contained clauses and servitudes which for the most part were not in the deeds of concession, and which were thus imposed on them, because many among them had not their original deeds to produce. These objections were general, especially as to the rent.

13, 14, 15 & 16.—Strictly speaking, there are no Seigniorial mills in the parish; there is only one flour-mill in the parish which is considered Seigniorial (*banal*), and this is situate in the *Fief* Randin. This mill, however, has always served as a means of speculation, inasmuch as strangers frequently get their grain ground there before the *Censitaires* of the parish. This mill although situate in a very favorable place, is nevertheless useless during a considerable part of the year, being in bad order and often producing bad flour; for this reason it is of no great value.

17, 18, 19 & 20.—The Seignior exercises pretty frequently the right of *retrait conventionnel*. This right is very onerous to the *Censitaires*, as it is generally an object of speculation, either from the new possessor consenting to allow his rent to be raised for the purpose of preventing the *Retrait* or from a third person giving a sum of money to the Seignior, to exercise it, and then give up to him the immovable property thus purchased, or from the new possessor being obliged in order to prevent the *Retrait*, to state in the deed a higher price than he really paid, and being thus compelled to pay *lods et ventes* in proportion.

21, 22 & 23.—The rights of *lods et ventes* exercised by the Seigniors, is from its nature very onerous to the *Censitaires*. They universally complain of it. This right impedes business and the progress of industry, inasmuch as the Seignior profits thereby by the labours of a *Censitaire* to whom he has never given any equivalent in value. The *Censitaires* desire to rid themselves of this right, especially those who happen to be making large improvements on *emplacements*, which, having been conceded to them when of small value, they are desirous of commuting. The reservation of pine timber, oak, &c. is also onerous, inasmuch as it is thereby in the power of the Seignior to ruin the land of an individual; which is of no unfrequent occurrence.

24, 25 & 26.—The *Censitaires* have never asked for a commutation of tenure, knowing it to be useless. A commutation might nevertheless be effected if the rents were reduced to the old rates allowed by law to the Seignior; and in all cases this commutation should be voluntary on the part of the *Censitaire*.

27, 28 & 29.—The rights to *lods et ventes* in cities and villages, and on *emplacements* is very injurious, and much more so than in the Country parts. The value of the buildings is often more than ten and twenty fold the value of the land conceded. In this case this right is an insurmountable obstacle to public industry and improvement. The right of *lods et ventes* should be estimated in proportion to the value of the land as conceded, and should be

commuted at a rate calculated upon the capital, thus estimated in each case.

30, 31 & 32.—The *Censitaires* have no positive data on this question.

33.—At and before the epoch mentioned in this question, it appears by several deeds of concession that the rent was only one *sol tournois* per superficial *arpent*, and one capon, valued at 25 *sols*, for each three *arpens* of frontage: at the present time the rate of concession (even of wild lands) is generally two *sols* and a half, *tournois*, per *arpent*, one quart of wheat, and one half *minot* of wheat for and in place of one day of *corvée* which the Seignior claims to have the right of imposing on each concession.

34, 35, 36 & 37.—No positive information; the *Censitaires* have never brought any action against the Seignior, the latter being able in such case to say that the land asked in concession was promised to another, which would compel a *Censitaire* desiring to have a land in concession to conform himself to the rate fixed by the Seignior or to desist from his demand and pay the Seignior a *bonus*, which varied from 100 *sols* to four *francs* per *arpent* conceded; this has been practised for many years back, especially in the *Fief* Dautrai.

38.—The *Censitaires* in general complain of the manner in which the Seigniorial tenure is carried into practice; and if they have not more often brought their complaints before the tribunals, it is because experience has convinced them of the protection which was there granted to the stronger side: for the Judges, either personally or by relationship, were very frequently parties in the cause.

39 & 40.—For an answer to this question, the *Censitaires* beg to refer to their answers to the 26th and 29th questions; and reposing on the wisdom and solicitude of the Legislature, the *Censitaires* hope that they will be promptly delivered from the abuses of a tenure, the vexations of which Lower Canada is perhaps the only country which has been able for so long a time to endure.

No. 38.

*Answers of Censitaires of the Seignior of Lachenaye.*

(Translation.)

LACHENAYE, 4TH SEPTEMBER, 1842.

SIR,—I have received your letter dated the 29th May last; it did not reach me till the 27th August. I hastened to make it public by a general meeting of the *Censitaires* of the Seignior of Lachenaye; they have replied to the questions of the Committee of Inquiry on the Seigniorial Tenure by the answers hereto annexed.

I am, Sir,  
Your most humble servant,

(Signed) CHARLES LAURIER,  
Surveyor.

N. B.—I have not thought it necessary to take all the signatures of each proprietor to whom the questions have been communicated; I shall transmit only a dozen from Lachenaye and Mascouche.

(Signed) C. L., Surveyor.

MEDARD ROY, Proprietor.  
J. OCTAVE LAURIER, Proprietor.  
J. BTE. ROI, his ✕ mark.  
JOSEPH ROI, his ✕ mark.  
PIERRE MIRON, Proprietor.  
BONAVENTURE LAMOUREUX, his ✕ mark.  
JOSEPH MATHIEU.  
ALEXIS LEVEQUE, his ✕ mark.  
JOSEPH ETHIER, his ✕ mark.  
J. B. ETHIER, his ✕ mark.  
VITAL LAURIER.  
CHARLES VALLANCOUR.

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Answers of the *Censitaires* of the Seigniorship of Lachenaye, in the County of Leinster, to the Questions submitted to them by the Commission of Inquiry on the Seigniorial Tenure.

1.—We, the undersigned, are *Censitaires* of the Seigniorship of Lachenaye.

2.—Part of us hold our property from our fathers.

3.—No answer.

4.—We can produce some deeds.

5, 6, 7 & 8.—No answer to these questions.

9.—Our lands front on the River Ottawa; they are three *arpens* in front by thirty in depth.

10.—The Seignior in 1810 and '11 caused to be given up to him different deeds of concession which were in the possession of his *Censitaires*, and gave them others, raising the rate of the rents.

11 & 12.—No answer to these two questions.

13.—Two mills.

14.—These mills serve for *Censitaires* and also to grind grain for the Seigniors.

15.—These mills, although for the use of the *Censitaires*, serve many people from other Seigniorships.

16 & 17.—No answer to these two questions.

18.—The right of pre-emption *retrait* exercised by the Seigniors of this Province is very onerous, and has disappointed many young people who sold lands in order to purchase others; and when they had bought, the right which the Seignior exercised on their new purchase turned them out upon the highway, or compelled them to pay a *bonus* to the Seignior.

19.—On a purchase for 4,700 *livres*, which the Seignior took by *retrait*, he made the purchaser give 6,000 *livres* and the *lods* on this latter price.

20.—The right of *retrait* is but too frequently exercised, unfortunately for us *Censitaires*.

21.—We all consider and desire that this right of *lods et ventes* should be done away with; for in our opinion nothing is more unjust. When this right was established, the intention was to recompense the Seignior for the trouble which he might have in changing the name of the proprietors on mutations. At the time when Seigniorships were granted to the Seignior, the original rate was one *sou* and one quart of wheat, per *arpent*, or two *sous* only, for a quart of wheat was not worth more than one *sou* at that time, and the value of the lands was so low that it did not exceed two or three hundred *francs*, which gave the Seignior from four to six dollars for the *lods*. At the present time, when our lands are cleared and improved by culture, and by good buildings and dependencies, they not unfrequently sell for 20, 25, 30 and 35,000 *francs* and upwards, and nothing is more unjust than to pay the twelfth part of these prices on property which owe its present high value to the expenditure, the cares, and labour, which have been bestowed on them; whereas, at the time when they were conceded they were only worth the rents.

22.—The reservation is so general that it extends to every kind of timber required for the manor, for a church, mill, or for masts of vessels, and is exercised with so little scruple that there is taken from one land alone more than the half of the best cedar upon it.

23.—This reservation is generally complained of.

24, 25 & 26.—No answer.

27.—We consider the *lods* more burthensome for *emplacements*, for very often the buildings are worth ten times more than the land.

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28.—The right of *lods* is prejudicial to all classes.

29.—As a suggestion in answer to the 29th Question, the Seignior having no right to exact more than one *sou* and one quart of wheat per *arpent*, the wheat at twenty pence the *minot*, which was the selling price at the time the rate of rents originated in Canada: would it not be possible for us, by paying the capital of the rents due to the Seignior at the ancient rate, by paying, I say, this capital once for all, to enfranchise our lands, in the same way that every determinate rent (*rente constituée*) is redeemed, by paying its capital? Our lands would by this means be enfranchised, the *lods* would no longer be exacted, nor the reservation of timber, which is very injurious.

30, 31 & 32.—No answer.

33.—The ancient rate, at the time of the first settling of the country, was one *sou tournois* per *arpent*, and one capon for thirty *arpens*, or one *sou* and one quart of wheat per *arpent*, wheat being worth one *sou* a quart, at this remote epoch of the settlement of the country.

34.—In 1811, the Seignior Pangman refused to concede wood lands to Vital Laurier, one of his *Censitaires*, unless on condition of actual residence, which was impossible, these lands being uncultivable from their wretched quality.

35, 36 & 37.—No answer.

38.—We wished frequently to petition, but those whom we employed, always represented to us, that as the two higher branches of the Legislature were composed in part of Seigniors, chosen by the Governor, out of different localities in Canada, we should infallibly fail in our demands.

39.—It is certain that a change would improve our condition, for the Seignior of our Seigniorship makes us pay for wood lands, the soil of which is nothing else but wretched sand, two *sous* and a quart of wheat per *arpent*; and when wheat is sold at eight *francs*, he makes us pay at the rate of 8s. 4d.

40.—No answer.

41.—We have answered this question by our answer to the 29th. We repeat that nothing would be more equitable than that, by once paying the capital of the rents at the ancient rate, our lands should be enfranchised; and such is the earnest desire of the *Censitaires*.

42.—In case it should be found impracticable to enfranchise our lands in the manner pointed out in the answers to the 29th, 40th and 41st questions, they might still be put at the ancient rate of two *sous* per *arpent*, without wheat; for the price of wheat is no longer what it was long ago, at the time of the first concessions in this country; and as to the *lods* let them be proportioned to the value of the lands at the time of the first concessions in this country, which was from two to three hundred *francs*.

43, 44 & 45.—No answer.

46.—By paying the capital of the rents at the old rate, as we have observed above.

47.—No answer.

48.—In answer to the 48th question, the House should extract from its archives, the grants of the Seigniorships of this Province; and ascertain on what conditions they were granted to the Seigniors, by the King of France. Inasmuch as Lower Canada is obliged to pay conjointly with Upper Canada, the debts which the latter has contracted, and we have contracted none, would not Government be willing as a common father, to purchase all the Seigniorships of this Province, and throw this debt into the national debt? By this means, Upper and Lower Canada would pay their debts conjointly, and we should no longer murmur at paying the debts of Upper Canada, as they, conjointly with ourselves, would pay our own. If this were done, we, as faithful subjects, would cherish and pray unceasingly for the prosperity of this, and our mother-country.

*Answers of W. Berczy, Esquire, (Daillebout.)*

1.—I am the owner of land held *en roture*, in the Seignior of Daillebout, and also within the limits and city of Montreal.

2.—I have been in possession of my lands in Daillebout, about ten or twelve years.

3.—As I own several farms, it would be tedious to answer the question fully, the property I am living upon is composed of four contiguous lots, four-fifths of which I have purchased from my brothers and sisters-in-law, to whom it devolved by inheritance from the late Mr. Justice Panet, and his widow, their father and mother. These lands have been in the family since 1811.

4.—There are four different deeds of concession of the above property, I send you a copy of the deed of the lot I am living on, observing that the rate of the rent varies a little from the generality of lands, which pay at the rate of four *minots* of wheat, and one Spanish dollar, per one hundred *arpents*, and one day's *corvée* for each lot, or two shillings and six pence in money.

5.—The same as to question No. 4.

6.—No *titres-nouveaux* have ever been exacted to my knowledge, in this or the adjoining Seignior of De Ramzay, belonging to the same Seignior.

7.—The same answer as to question No. 6.

8.—The same as to question No. 6.

9.—Each lot of my land is three *arpens* in front by twenty *arpens* in depth, two in the third and two in the fourth range.

10.—The same as to No. 6.

11.—The same as to No. 6.

12.—None given to this question.

13.—There are in this Seignior, one banal mill with two run of stones, one oatmeal mill, and one saw mill. The flouring mill was built exclusively as a banal mill, and not with a view of speculation, as the surrounding country was too little settled at the time to make it an object of profit. The *Censitaires* have never been constrained to go to the mill, and I do not think that more than one third of them ever take their grain there, although the mill is as good as any in the neighbourhood, and in thorough repair; but they carry it to other mills in the vicinity. There are no mills exclusively used for manufacturing.

14.—The same as to question 13.

15.—The same as to question 13.

16.—The original cost of the flouring mill must have been about nine hundred and fifty pounds; the saw mill about one hundred and fifty pounds. And the oat mill with appendages, upwards of four hundred pounds.

17.—I have never bought by private or at a Sheriff's sale, nor, do I believe, there has ever been any land bought at a Sheriff's sale, by any other person, within this *Fief* whereupon the Seigniors have exercised the right of *retrait conventionnel* or otherwise.

18.—I know of but one instance in this *Fief*, wherein the right of *retrait conventionnel* was exercised, and that in a case where the property was sold at private sale, under its value; and as this right is generally, I believe, very sparingly used, I should think there can be very little ground of complaint on this score; but this, as well as all other Seigniorial rights, the people have been taught to consider onerous, although I feel convinced, the instances have been very rare, when they have been justified in their complaints.

19.—There may be cases such as referred to in this question in other Seigniories, but I have no knowledge of any. I have been told that in one of the adjoining Seigniories the *droit de retrait conventionnel*, had been absolutely and gratuitously removed for ever, in all cases excepting of fraud.

20.—The same as to question 18.

21.—This question deserves some consideration, the more so, as it bears upon a right against which a great outcry has been raised by the public generally; but particularly in the cities, where it weighed heaviest. I will nevertheless unhesitatingly say, that in the rural districts, the *lods et ventes* can never be very burthensome, because the same reason which makes them onerous in large commercial towns, does not exist there, the buildings erected on the lands adding but little to their value. To a farmer or *habitant*, who intends to earn his living exclusively by the produce of his farm, its real worth can never be estimated at more than a capital representing an interest equal to the probable produce of the ground he cultivates; any cost beyond that, no matter what may have been the outlay on the buildings erected thereon, cannot enhance its value to a prudent purchaser. The case is very different in towns, particularly where a great extent of business is done, as, there, the price of the ground bears no proportion to that of the buildings, which constitute its principal value. This circumstance led the proprietors, in the latter places, to consider the *lods et ventes* in an odious light, and the clamour raised by them has spread to the country, where a little feeling has obtained against this right, without the same reason for complaint. In the older and well settled Seigniories where property has acquired some value, mutations are not very frequent; and from what I can learn, the *lods et ventes* seldom attain, and almost never exceed the *cens et rentes*. In the newer settlement the changes of property are more frequent, but as the value of the land is trifling, owing in a great measure to the facility with which it is obtained from the Seigniors, the *lods et ventes* yield but a small income, and are any thing but burthensome, particularly as great indulgence is generally shewn to the purchasers. That there exists a wish on the part of the *Censitaires* to relieve themselves from the payment of this right, as well as every other charge to which they are subject, I am fully satisfied; but I am equally certain, that no general wish prevails among them, to get rid of those liabilities by means of a commutation with their Seigniors, it having been made manifest, by the small number of instances, in which they have availed themselves of the privilege offered them in the *Fiefs*, which have been commuted under the Tenures Act, by their Seigniors: their desire is to be discharged without any compensation.

22.—In all deeds of concession in the Seignior, a reservation is made of pine and oak timber, and I have always considered it as one of necessity, imposed to meet a similar reservation by the Crown, in the original grant to the Seignior. I cannot however look upon it, as in anywise onerous or burthensome, at least judging from the manner in which it has operated here, as it has never in any instance impeded the *Censitaire* "from clearing his land and making the usual improvements in the way of cultivation." It may have been "loudly complained of" elsewhere, although I have no knowledge of the kind excepting from what I have seen in the public prints; but here I have never heard an instance of its being considered as a grievance, this reservation having in reality been a dead letter, and never having been brought into requisition, but in one or two instances, and that to a trifling extent, when timber was required for the repairs of the mills.

23.—The same as to question 22.

24.—The Seigniors of this *Fief* not having commuted with the Crown, no application could have been made by the *Censitaires* to effect a change of tenure.

25.—If I were at liberty to commute the tenure of any of the lands I now hold, I can see little reason for doing so; not that I have individually any objection to a change of tenure, provided the laws as they now obtain were not effected, but because I should prefer retaining in my hands the money required to do so, as it could be much more profitably employed; and I feel convinced, it will be found,

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that the great majority of *Censitaires* will reason in the same manner.—If a change of tenure was desirable, I should unquestionably prefer that of *franc alevu*, as not producing any alteration in our present laws.—The sudden introduction of the soccage tenure, involving as it would the Laws of England, would be attended with the most serious consequences to the interest and well being of society, as it now exists in this part of the Province, and create a degree of confusion in family arrangements, and materially affect individual rights such as no advantage it may possess could compensate; I should therefore extremely regret to see the present Seigniorial Tenure substituted for that of free and common soccage.

26.—Same as to question 24.

27.—Same as to question 21.

28.—Same as to question 21.

29.—The simplest, the least onerous and most equitable manner of effecting the object proposed by this question, would be a voluntary commutation, for which purpose a Law might be passed, empowering the Seignior to alienate the present Tenure. The mode I would suggest is contained in the draft of a Bill which I herewith transmit. Under this arrangement, if the *Censitaires* were desirous of commuting, I am sure every facility would be offered by the Seignior, in complying with his wish, nay, I will add that, there will be more anxiety on the part of the generality of the Seigniors to induce their tenants to take advantage of such a Law, than there will be on the part of the latter to avail themselves of its provisions.

30.—I have never heard of such transactions as mentioned in this question, having been entered into in these *Fiefs*, and I am quite sure none such were ever made or even thought of; It follows of course that, no actions could have been instituted for such a contingency.

31.—The same as to question No. 30.

32.—I have no knowledge of any *Censitaire* having applied for any concession *en roture* of wild lands, upon the terms and conditions previous and up to the year 1711. Indeed I am quite ignorant what those conditions were, nor have I any original title in my possession or ever seen one dated so far back as that period. I believe however there was no fixed rate of rent or any uniform conditions fixed by law to the early grants made by the Seigniors, and that they have not only varied in the different Seigniories, but also in the same *Fiefs* according to circumstances and the will of the Seigniors. This being the case, there must necessarily have been a great difference in the terms and conditions of the grants. Of course when lands were plentiful, money scarce and of greater value than at present, and the population was small; when the inroads of the Savages were frequent, and the people obliged to devote their time and best energies in defending their habitations, it must have been difficult to procure settlers, and the Seigniors would proportionally reduce their rents and offer greater inducements for people to occupy the wastes on their property. But as these difficulties decreased, and lands became more valuable an enhanced rent would have been fixed, and this has naturally and gradually increased, keeping pace with the circumstances of the times. Nor was there any hardship in this, the advantage was mutual, as the difficulties of settlement were diminished, the lands more valuable, and the conditions of concession easier complied with; neither must it be lost sight of that, as the agreement between the parties was voluntary, the *Censitaire* would not have consented to it, had he thought it onerous or unprofitable.

33.—The same as to question No. 32.

34.—I believe Mr. Justice Panet, while Seignior of the *fief Argenteuil*, instituted actions *en ré-union* under the Royal *Arrêt* of the King of France, of 6th July, 1711, against certain *Censitaires* who did not occupy their lands; (*tenir feu et lieu*) or clear and cultivate them agreeably to the conditions of their deeds, which actions are entered in the Records of the Courts of Common Pleas in the Prothonotaries' Office at Montreal; but whether there ever was a judgment given in those cases is more than I can say. The

Seigniors of Daillebout and De Ramsay have never sued any person under the above *arrêt*, although several lands have been abandoned and never settled upon for many years by the grantees, it being doubtful whether the above mentioned Law would be acted upon by the present Courts of Justice, and also, because the expenses attending such suits would probably exceed the value of the lands in question.

35.—No actions of the nature mentioned in these queries have been instituted against the present Seigniors, nor has there been, I am convinced, against their predecessors.

36.—Same as to question No. 35.

37.—Since I have been here, lands have been surveyed and open for concession in this and the adjoining Seignior of De Ramsay, and no person has been refused, upon application for any lots in those concessions, on the terms imposed on wild lands already conceded, although the greater number of such applicants were of the poorest class of persons, and in some instance to actual paupers. The Seigniors have refused to concede promiscuously, lands not laid out by actual survey, so long as there were vacant lots, in the surveyed ranges, of which there are at this moment a considerable number still unoccupied, and open to the first comer who may apply for them, on the usual conditions.

38.—I have no personal knowledge of particular instances of complaints, such as described in this question. I have seen in the newspapers that petitions had been got up and presented to the Legislature by the tenants of the Seigniories of De Lotbinière and Beauharnois, expressive of dissatisfaction against the Seigniorial Tenure generally, and particularly in regard to the rents of the last mentioned property; but otherwise I could not answer this query satisfactorily.

39.—I cannot see how a change of tenure would add to the prosperity of the people; on the contrary, I should rather think it would have a tendency quite the reverse. I am convinced that a great deal of the ill feeling existing against the present tenure, arises as much from prejudice as from ignorance; for in no country of which I have any knowledge, can lands be obtained on such easy terms as in the Seigniories of this Province, and particularly to the original grantee or *cessionnaire*, because, as I have already shown, the poorest man can get wild lands upon the bare promise of paying the rents, while in the Townships he would in vain seek the same advantage, and taking the average value of lands in the Province, (under other tenures) there are none which can be procured for such a small yearly compensation. The excess of interest on the capital required to pay for the land in the Townships, would more than double the average of the actual rents claimed in the Seigniories, a burthen which would be considered intolerable, by the present *Censitaires*, and which they certainly would be quite unwilling to pay even if relieved from every other Seigniorial right, as it would offer no compensation equal to the additional charge. In other respects, judging by comparison with the population inhabiting other parts of the Province, holding their lands under a different tenure, other circumstances as regards soil and climate, &c. being equal, I do not see that the people in the Seigniories have any thing to envy or regret; I must therefore conclude, that the change alluded to would not improve or promote their welfare.

40, 41 & 42.—As these three questions are more or less connected, I shall answer them together; they involve many difficulties and a number of considerations, and although I have given them some thought, to answer them properly would take more time than I can spare; I shall therefore treat but lightly on the subject. As there appears a general wish from different motives and under different expectations, to do away with the Seigniorial Tenure, I think a scheme might be adopted, based upon the principle established by the Law passed for the commutation of the Seigniories of the Priests of St. Sulpice, with such modifications as the different circumstances of the parties entitle them to. In alluding to the difference of circumstances of the parties, I have more particular reference to the doubts thrown upon the right of the Seminary of St. Sulpice, to the property in their possession, and which gave a colour to the power claimed by the Legislature to infringe upon the conditions

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of the original grant to that society, and which was not even then attempted without their consent. The case of the other Seigniors being quite different, their titles unquestionable, and the majority of them, or their predecessors, having acquired their *Fiefs* for valuable considerations calculated upon the actual revenues, rights and advantages, as they existed at the time of their purchases, they cannot be dealt with on the same principle without a departure from justice; and no change should be proposed to the Legislature, tending to curtail their rights, which had not previously obtained their sanction. To a scheme such as I have mentioned, I should think there would be little objection, if so framed as to save the pecuniary rights of the Seigniors, which could be done by predicating the value of the commutation upon the average rental and receipt of *lods et ventes* of the different *Fiefs* in the Province, not touching upon the *droit de banalité*, which should be reserved to the actual proprietors.

With respect to the modification of the Seigniorial Tenure, without abolishing it, so as not to do injustice to the Seigniors, I shall really be at a loss to give an opinion, as any change in a system, every part of which is essential to its being fully carried into effect, might be destructive of the whole. Indeed as it is, encroachments have already been made on the Seigniorial rights, which have very materially impaired, if not entirely destroyed, the advantages to be derived from that tenure by sapping the influence and power originally intended to be conferred upon the proprietor of *Fiefs*, which would unquestionably have been generally most beneficially exerted, as well for the advantage of the *Censitaire* as for the support of Government and the maintenance of order, in which the Seigniors were so immediately interested from the great stake they hold in the country. If however, it is only meant to modify or alter some of the pecuniary charges, which it may be considered the most desirable to get rid of, I think this might be effected by enabling the *Censitaire* to commute in detail for any of them, in the same manner as proposed above for the general commutation, by fixing a fair compensation for each. I must nevertheless, in conclusion say, that it would be decidedly better, and more equitable to leave it optional with all parties, to commute or not, as they might find most advantageous or convenient, as I am quite convinced that, by giving the power to the Seigniors to commute, they will be the last to throw difficulties in the way; for the improvidence and necessities of most men, from which they are not exempt more than others, will induce the greater number to alienate their rights for less than their value, if the power is only given them to do so.

43.—The appointment of arbitrators for settling the differences between the Seignior and his *Censitaire*, with respect to their mutual rights, must necessarily be objectionable to the former, because in most cases the arbitrators would be *Censitaires* themselves, and consequently parties interested, but admitting it impossible to overcome this inconvenience as those persons will have to be paid, the expense must fall with multiplied weight upon the Seignior, who would have to contribute his share in every case submitted to them, while it would only be borne singly by the tenants who might desire to avail themselves of their aid, nor is it probable they would in all cases be competent judges of the matter left to their decision; indeed one of the reasons some Seigniors had for not availing themselves of the provisions of the Tenures Act, was the objection to submit their interests into the hands of parties who, in all probability might be prejudiced and would not do them justice.

44.—I cannot say I have any insuperable objections to the bill providing for the voluntary commutation of the Seigniorial Tenure, a copy of which you have been pleased to favor me with; I should however prefer it, if it were more simple in its details, and if it did not propose to change the present Tenure into free and common soccage. The Bill mentioned in my answer to your 29th question, of which I herewith send you a draft, and into which you will observe I have incorporated some of the clauses of the one you sent me, meets my views more fully, and would answer I should think every purpose that could be desired.

45.—You will find a list of the several Seigniorial charges and reservations claimed in the Seigniories of Daillebout

and de Ramsay, in the copy of the deed of concession I herewith send you. There are some trifling differences in the concession, but they are of little importance.

46 & 47.—I should be at a loss to answer these questions, because it would require a more general knowledge than I possess, of the value of the rights prepared to in the several Seigniories in the province; I must therefore respectfully decline expressing an opinion upon the subject.

Having answered as well as my time and means of information would allow the numerous questions put by the Commission which embrace nearly every point of the matter under their consideration, I see little else to add; I would, however, observe before concluding, that I regret the questions of the Commission should assume, as they do, that the Seigniorial Tenure is onerous and oppressive, and have it to be understood that unjust exactions have been perpetrated by the Seigniors in the conditions and reservations imposed by them under cover of their titles; the tendency of which must naturally have been to create an unfavourable impression in the mind of the public and especially of the *Censitaires*, against the tenure, and the Seigniors, and thus in some measure to prejudice the subject submitted for investigation.

I had written the above when I learned the first Commission, who honored me with their questions, had been broken up and another substituted in their stead. I consequently did not deem it advisable to send my answers, which might not be required. But having lately seen a Report of the present Commissioners complaining that they have not been able to enter fully into the subject under their consideration, for want of sufficient information, and power, to compel the parties, who could give it, to do so, I no longer consider it right to withhold the little knowledge I may possess, and which it was presumed I could afford, when the queries of the first Commission were submitted for my replies. I therefore now take the liberty of sending them, such as they are, not in the belief of throwing much light upon this important subject, but in the hope of having assisted in dispelling some vulgar errors founded on prejudice and ignorance.

I have the honor to be, Sir,  
Your very obedient humble servant,

(Signed) W. BERCZY,

Daillebout, 14th November, 1842.

No. 40.

*Draft of a Bill for the extinction of the Seigniorial Tenure, by Mr. Berczy.*

Whereas it is advisable that the inhabitants of this Province, holding lands under the Seigniorial tenure, should be enabled to commute and hold their lands free and discharged from all rights and Seigniorial dues; and whereas the Seigniors under the existing laws, divest themselves of such rights, until they shall have commuted the tenure of such estates with the Crown, under and by virtue of an Act of Parliament of the United Kingdom passed in the sixth year of the Reign of His late Majesty George the IV. cap. 59, intituled, "An Act to provide for the extinction of Feudal and Seigniorial rights, &c."—Be it therefore enacted, &c., that from and after the passing of this Act, it shall no longer be necessary for any Seignior in possession of any estate held in *Fief* or Seigniorly, to avail himself of the provisions of the above recited Act, but that all persons may hereafter effect a voluntary commutation of such Tenure and Seigniorial rights and dues in the manner hereinafter provided.

And be it enacted, that it shall and may be lawful for any Seignior who may be owner of any *Fiefs* or Seigniories, or of any feudal rights therein, and who may have power to alienate the same, by sale, gift or devise, to compound with his or their *Vassal* or *Censitaire*, by agreement voluntarily made between them, by Notarial Act, or passed

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in writing before two witnesses, for the remission of any or all the rights or dues, due or hereafter to be due, to such Seigneur or Seigniors, by such *Vassal* or *Censitaire*, which said agreement duly made as aforesaid, shall free and release forever, the lands compounded for, from those Feudal or Seigniorial rights, which may be the specific object of such agreement, as well as those due by the *Censitaire* so compounding, as those of a similar nature due by the intermediate Seigneur to the Seigneur *dominant* respectively, and all such lands so relieved from the Seigniorial rights and dues as aforesaid, shall, if a *Fief*, be considered to be held in *franc aleu noble*, and if *en censive*, in *franc aleu roturier*, any law, usage or custom to the contrary, in anywise notwithstanding.

Provided always and be it, &c., that where *droit de quint* or *relief* are due by the *Vassal* so receiving such composition for his Seigniorial right to his Seigneur *dominant*, then and in that case such *Vassal* shall pay to his said Seigneur *dominant* one fifth part of the composition money, or value of the consideration by him received for the said rights, and if the said Seigneur holds of another Seigneur, to whom are equally due the *droit de quint* or *relief*, he will in like manner be held to pay to his Seigneur *dominant*, the fifth part of the consideration money received of his *Vassal*, and in the same manner each *Vassal* shall pay one fifth of what he shall so receive, to his Seigneur *dominant*, until Her Majesty as *Seigneur Suzerin* of this Province, be satisfied by payment made into the hands of Her Receiver General, by Her immediate *Vassal*, of one fifth part of the composition he shall have received, from the Seigneur holding of him or from his *Censitaire*.

And be it further enacted, that it shall and may be lawful, for all proprietors of Seignioria in mortmain, who may hereafter commute with their *Vassals* or *Censitaires* of their Seigniorial rights, to employ the said commutation money in the purchase of *rentes constituées* or immovable property, in no case applying other monies to the above mentioned purpose, any law, usage or custom of this Province to the contrary, in anywise notwithstanding, which are repealed in so far as concerns monies, received for the commutation of the Seigniorial rights, as above enacted.

And be it enacted, that all deeds of commutation made by virtue of this Act, shall be registered in the Registry Office of the district wherein such commuted property is situate in the manner provided by the law for the registration of deeds in other cases.

And be it enacted, that whenever a Commutation of Tenure shall have taken place, after the passing of this Act, between any Seigneur who may have obtained a commutation from the Crown, in the manner prescribed by the Imperial Act, of the 6th Geo. 4th Cap. 59, above recited, and any one of his *Vassals* or *Censitaires*, and between the Crown, and any *Censitaire* holding immediately of the Crown, the land to which such commutation may relate, shall not by virtue thereof, be held, granted, bargained, sold, alienated, conveyed and disposed of, nor shall pass by descent in such manner and form, and upon or under such rules and restrictions as are in force by the laws of England, in reference to the grant, bargain, sale, alienation, conveyance, disposal and descent of land holden by the Tenure of free and common soccage, or to the dower or other right of married women in such lands; but that the said lands shall be, and continue to be in every respect, subject to the laws of that part of the Province wherein they are situate, in the same manner as if the said lands were held, if a *Fief*, under the Tenure of *franc aleu noble*, and if *en censive*, under that of *franc aleu roturier*.

Provided that nothing in the Section shall apply or be construed to apply to any lands whereof the Tenure shall have been commuted before the passing of this Act; and provided also, that nothing in this Act continued shall extend to affect the provisions of the Ordinance of the 2nd Victoria, Cap. 50, passed by the Special Council of Lower Canada, and intitled, "An Ordinance to Incorporate the Ecclesiastical ties of the Seminary of St. Sulpice, of Montreal." And be it enacted, that all monies paid to the Receiver General under the authority of this Act, shall form part of the consolidated revenue of this Province; and shall be accounted

for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.

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No. 41.

Copy of a Deed of Concession in the Seigniorly of D'Aillebout.

(Translation.)

Before the undersigned, Notaries Public for the Province of Lower Canada, residing at the Village of L'Assomption, personally appeared, the Honorable Pierre Louis Panet, one of His Majesty's Judges of the Court of King's Bench for the District of Montreal, and a Member of His Majesty's Executive Council, of the said Province, Seigneur and Proprietor of the *Fiefs* and Seigniories of D'Aillebout and Ramsay, in the County of Warwick, in the District of Montreal, who hath by these presents voluntarily delivered, conceded, resigned, conveyed, yielded and granted, henceforth and for ever, *à titre de bail à cens*, carrying profits of *lods et ventes*, fines, seizures, and all other Seigniorial rights, to François Archambault, trader, residing at St. Paul, hereunto present and accepting and agreeing to hold the same by the title for himself, his heirs and representatives, that is to say: a land lying and being situate in D'Aillebout, at Bay Mélanie, being number fourteen on the North-West of the said Bay, containing three *arpens* in front by twenty in depth, bounded in front by the King's highway, on the South-West by Pre. Rivet, and on the other side on the North-West by the said grantee, and in rear by the lands of the Bay Eugénie, according as the line shall be drawn, without warranty of precise measure, of all which the said holder has confessed to have a full and perfect knowledge, having seen and visited the premises, and with which he is satisfied, to have and to hold to him, his heirs and representatives, and to enjoy and dispose of as belonging to him in perpetuity on the following clauses, charges and conditions, that is to say: to pay to the said Seigneur the grantor for his heirs and representatives, one minot and three quarters of wheat, and four *livres* ten *sols*, (the *livre* being twenty halfpence,) in money, as Seigniorial *cens et rentes*, not redeemable, and in perpetuity, payable on the 1st October of each year, at the Seigniorial Manor, or other place in the said Seigniorly which it shall please the said Seigneur to appoint, the first payment of which shall fall due on the first day of October next, the said *cens* carrying the right of *lods et ventes*, fine, *saisine*, and all other Seigniorial rights, as the case may be; at the charge also of allowing to the said grantor, his heirs and representatives, one day of *corvée* yearly, or two shillings and six pence for each day of *corvée*, at the choice and option of the Seigneur; it being also incumbent on the said holder to have the said land surveyed and bounded, as soon as possible, throughout its length and breadth at his own cost and expense, and to furnish the Surveyor's *procès verbal* of the same to the said Seigneur, when he shall require it, as also a copy of the present Deed of Concession, at his own cost, and moreover, to have his grain ground at the mills of the said Seigneur, under pain of confiscation of the said grain and of fine; and also to permit, on the said land hereby conceded, all the roads which may be deemed necessary either by the public officers or by the said Seigneur, his heirs and legal representatives.

The said Seigneur, his heirs and legal representatives, reserves to himself the right of taking, on the said land hereby conceded, all the timber and stone necessary for building and repairing his Seigniorial Manor-house, farms belonging to the Seigneur, mills, churches, parsonage-houses, and other public buildings,—reserving also, for the use of His Majesty, the oak proper for the construction of vessels. The said Seigneur also reserves, as well for himself as for his heirs and legal representatives, the right of re-entering into the possession and proprietorship of the said land in the event of the sale or alienation of the same, (even in preference to relations by blood,) on paying over to the purchaser the price of his purchase, in good and current money; also, of taking on the said land all places suitable for the erection of a flour or saw mill, with six superficial *arpens* of land

about such place for the use of such mill, without any indemnification to the said grantee, his heirs and legal representatives, unless there should be any work done on the said land, in which case the Seigneur shall be held to pay the value of the said work according to the report of *experts* to be named for this purpose; and he also reserves to himself the right of clearing and occupying the said land for the purpose of conducting thereon the works of any such mills, on indemnifying the said grantee, his heirs and legal representatives, for the land which he shall clear away or occupy, as is hereinabove reserved; and the said grantee, his heirs and legal representatives, shall not construct on the said land any mill for the purpose of sawing timber, on pain of the said mills being demolished, and of making good to the Seigneur all losses which the latter may thereby have sustained; the said Seigneur also reserving all mines and minerals that may be found throughout the said concession, the said grantee, his heirs and legal representatives, shall not sell, give, make over, or give in exchange the said land to any community, co-operation, or party holding in mortmain, under pain of forfeiture, which shall be incurred from the moment of the execution of the deed; and further, the said grantee shall be required to keep *feu et lieu* on the said concession, to build thereon a house and buildings, and to cultivate it before the expiration of one year, under pain of re-union to the Domain of the said Seigneur.

To which said charges, clauses, conditions, obligations and reservations, the said grantee, as well for himself as for his heirs and legal representatives, has by these presents submitted and bound himself, and for assurance of their execution has bound and hypothecated all his property generally, the present and future, and especially the land by these presents conceded, on which the said grantee has irrevocably erected his domicile, whereat, &c., for these, &c., &c., &c.

Thus done and executed at St. Paul, at the dwelling of the said grantee, the 25th day of January, in the year one thousand eight hundred and three, in the afternoon, and the parties have signed the presents with us, after the same had been read over,—Signed, P. L. Panet, François Archambault, Ls. Raymond, N. P., and Joseph E. Faribault, N. P., as appears by the minutes of these presents remaining with the undersigned Notary.

(Signed) J. Ed. FARIBAULT,  
Notary Public.

No. 42.

(Translation.)

ST. CUTHBERT,

At a meeting of the *Censitaires*, at the Parish of St. Cuthbert, held in the said Parish on the 7th day of April, 1842, to take into consideration the answer which it is necessary to make to certain questions proposed by the Commission of Inquiry on the Seigneurial Tenure, the following persons were unanimously chosen to take cognizance of the grievances which might be submitted to them, and to draw up a categorical answer to the said questions, that is to say, Jean François Mercure, Joseph Généroux, Louis Joseph Gonzaque Béraud, and François Prud'homme.

1.—The said *Censitaires* are all proprietors of lands held *en roture* in the *Piefs* Chicot, Berthier, St. Jean, and their augmentation, composing together the said Parish of St. Cuthbert.

2 & 3.—They have been in possession of their lands either personally or by their ancestors, for more than one hundred years.

4 & 5.—Many are in possession of their original deeds, but it would be expensive to them to furnish certified copies. The greater part of the original deeds of concession are in the hands of the Seigniors.

6 & 7.—Copies of the *titres-nouveaux* will be produced.

8.—There is a difference between many deeds of concession and the *titres-nouveaux*, inasmuch as in the latter the rate of the rent is increased, and new servitudes are imposed; independently of which the rents have already been augmented at the time of the mutations of a great number of lands.

9.—The lands of this Parish contain each from sixty to eighty superficial *arpens*.

10, 11 & 12.—They commenced making the *Censitaires* take out *titres-nouveaux* in 1832 and 1833. The Notaries employed for this purpose were J. B. Chalut and Charles A. Forneret. They often refused to let them take out *titres-nouveaux*, because the *Censitaires* exclaimed against the new servitudes which were attempted to be imposed upon them, and had no good understanding with the Seigneur. The objections of the *Censitaires* were principally governed on the fact, that the *titres-nouveaux*, all the charges of which (excepting the rent) were printed before hand, contained charges, clauses and servitudes which for the most part were not contained in the deeds of concession, and which were thus imposed, because many among them had not their original deeds to produce. These objections were general, especially as respects the rent.

13, 14, 15 & 16.—Properly speaking, there are no Seigneurial mills in the parish. There is only one flour mill in the parish which is considered Seigneurial (*banal*). This mill however has always served as a means of speculation, inasmuch as strangers often get their grain ground there before the *Censitaires* of the parish; and this mill although situate in a very favorable place, is nevertheless useless for a considerable part of the year, being out of order and often producing bad flour; on this account it is of no great value.

17, 18, 19 & 20.—The Seigneur exercises the right of pre-emption (*droit de retrait conventionnel*) not unfrequently. This right is very onerous to the *Censitaires*, inasmuch as it is generally an object of speculation, either from the new purchaser consenting to let his rent be raised to prevent the pre-emption (*retrait*) or from a third person giving a bonus in money to the Seigneur to exercise it, and then give him up the immoveable property thus taken *en retrait*, or from the purchaser to avoid the *retrait* being obliged to state in his deed a higher price than he really paid, and in consequence to pay proportionally higher *lods et ventes*.

21, 22 & 23.—The right of *lods et ventes* exercised by the Seigniors is from its nature very burdensome to the *Censitaires*, they universally complain of it. This right impedes business and the progress of industry, inasmuch as the Seigneur profits thereby by the labours of a *Censitaire* to whom he has never given an equivalent in value. The *Censitaires* are desirous of getting rid of this right, especially those who happen to be making large improvements on *emplacements* which having been conceded to them when of little value, they wish to commute. The reservation of pine, oak, &c. is also onerous, inasmuch as it is thereby in the power of the Seigneur to ruin the land of an individual, which is of no unfrequent occurrence.

24, 25 & 26.—The *Censitaires* have never asked for a commutation of tenure, knowing it to be useless, a commutation might nevertheless take place if the rents were reduced to the ancient rate, as allowed by law to the Seigneur, and in all cases this commutation should be voluntary on the part of the *Censitaire*.

27, 28 & 29.—The right of *lods et ventes* in the said villages and *emplacements* is very prejudicial, and much more so than in the country parts, the value of the buildings often exceeding ten or twenty times the value of the land granted; in this case this right is an insurmountable bar to public industry and improvement. The *lods et ventes* should be paid in proportion to the value of the land as conceded, and should be commuted according to their value thus estimated.

30, 31 & 32.—The *Censitaires* have no certain data to enable them to answer these questions.

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33.—At, and before the time mentioned in this question, it appears by several Deeds of Concession, that the rent was only one *sol tournois* per superficial *arpent*, and one capon valued at 25 *sols* for three *arpens* in front. At the present time the rate of concession, even of wild lands, is generally two *sols* and a half *tournois* per *arpent*, and one quart of wheat, and one half *minot* of wheat, for and in place of one day of *corvée* which the Seigneur pretends to have the right of imposing on each concession.

34, 35, 36 & 37.—No certain information. The *Censitaires* have never brought any action against the Seigneur, the latter being able in such case to say that the land asked in concession had been promised to some one else, which would compel a *Censitaire* who wished to have a land in concession to conform himself to the rate of the Seigneur or to desist from his demand, and pay the Seigneur a *bonus* varying from forty *sols* to four *francs*, for each *arpent* conceded.

38.—The *Censitaires* in general complain of the manner in which the Seigniorial Tenure is put into practice, and if they have not more often carried their complaints before the tribunals, it is because experience had convinced them of the protection which is there afforded to the stronger side. For the Judges, either personally or by relationship were very frequently parties to the cause.

39 & 40.—In answer to this question, the *Censitaires* desire to refer to their answers to the 26th and 29th questions. And reposing on the wisdom and solicitude of the Legislature, the *Censitaires* trust that they will be promptly delivered from the abuses of a tenure, the vexations of which Lower Canada is perhaps the only country which has been able to endure for so long a time.

No. 43.

*Answers of Dr. D. C. McLean, (Argenteuil.)*

1.—I own four lots of land in the Seignior of Argenteuil.

2.—I have owned the above lots sixteen years.

3.—Dr. Green was the proprietor before me; he was proprietor about fourteen years, but was not the original proprietor.

4.—I am in possession of different deeds of concession, but it is not in my power to send the Commissioners a copy, as I am from home on business, in Quebec, and will remain here until the fall; but should the copies be of any use at that period, I will send them cheerfully.

5.—I refer you to the foregoing question.

6.—In the years 1823 and '24, the whole of the *Censitaires* of the said Seignior signed a declaration acknowledging Major Johnston to be their Lord and Master. I asked for a copy of this declaration, but Mr. Lindsay, the Notary, would not give me a copy, unless I would pay him three or four dollars, I forget which.

7.—I believe that a copy might be got from Mr. Isaac Gibb, Notary Public, in Montreal, for it was his late partner, Mr. Arnoldi, that executed the last of these declarations after Mr. Lindsay died.

8.—From a perusal of the deed of concession and *titre-nouveaux* or said declaration, I do not remember any in my own, but I know much difference between my own and those of some of my neighbours.—I pay one dollar and three bushels of wheat for every 90 *arpens*, and some of my neighbours pay three dollars and six bushels of wheat for every 90 *arpens*.

9.—The extent of my land in front is twelve *arpens* by thirty *arpens* in depth, south side of middle settlements, commonly called Beechridge.

10.—Yes, as far as I can charge my memory, a declaration was made in 1823 and '24, with threats of prosecution. I believe that all the inhabitants of the Seignior of Argenteuil signed the said declaration; the Notary employed the first year was Mr. Lindsay, after he died, Mr. Arnoldi, late colleague of Mr. Gibb.

11.—Yes, I did remonstrate against the said declaration, and protested that I would never sign it until revised; then there was a clause put to my declaration that all ornamental trees, marked as such, and all trees planted by myself, were my own property, Nos. 10, 11, 12 & 13, South Beechridge.

12.—At the time of signing the above declaration, there was a general murmur among the inhabitants, but the threats of prosecution against them frightened them, excepting a few. I believe that Mr. Cooke, my neighbour, got some alteration made in his declaration, at least he told me so. A number of Mr. Cooke's lots, north ends of lots Nos. 5, 6, 7, 8 & 9, south side of Beechridge. The Seigneur requested me to keep the alterations a secret.

13.—At the time of signing the above declaration, there were two sorts of mills hardly fit to grind hog's food, but of late years two gentlemen in the township of Chatham built superior mills, which compelled the Seigneur to do his *Censitaires* a little more justice.

14.—We are told that mills were built for the use of the inhabitants, but any of the inhabitants of the surrounding Seigniories or Townships will get their turn before me, which I often complained of.

15.—There are three mills in the Seignior which I conceive to be mere matters of speculation, as any of the inhabitants of the Township of Chatham or the surrounding Seigniories will get their turn before me, and often I have had to wait 24 hours, and all before me lived out of the Seignior.

16.—I cannot take it upon myself to say what these mills cost; none of them are exclusively for the inhabitants.

17.—I have more than once bought at Sheriff's sale where the Seigneur's Agent bid against me until he brought the property to its full value, so there was no use then of *retrait*. I also bought at private sale where the Agent demanded my deed within a month, with a view, he told me, of *retrait* if he saw cause for it.

18.—The Seigniorial claims as now demanded are considered by the British inhabitants a curse, and oppressive in every point.

19.—I cannot speak of my own knowledge on this point.

20.—As I stated in answer 17, at every Sheriff or voluntary Sale at the Church Door, the Seigneur's Agent is present to bid the property up to its full value. The *Censitaires* may cheat the enemy of souls, but they cannot cheat our Seigneur and his satellites.

21.—Before I signed the last declaration, I told the Seigneur that I considered myself a mere slave under him as *Censitaire*; that taking away the Lord's Day, that every eleventh day I and my family worked was for him—I told him also that I had four lots on the Beechridge, that he might take his choice of the lots East or West and give me the other three in free and common soccage: he said that what I offered was more than he could have expected, but that he could not accept my offer, for if he did, it would make a precedent in the Seignior. I am confident that the enormous burthen of the Seigniorial Tenure is felt by all.

22.—In this deed of concession, and also in my last declaration, there is a reservation not only of pine and oak timber, but all kinds of timber, stone and sand, which the Seigneur may send for, for any of his buildings.

23.—The reservation of all kinds of timber, stone, sand, &c., &c., for the Seigneur's use, would only be tolerated amongst such people as are found in Canada East; that it is

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cruel, burthensome, and slavish, has been loudly and generally complained of for a long time.

24.—I refer you for an answer to this, to the Seventeenth.

25.—I have more than once applied to the Seignior and his Agent for a commutation, but in vain. I believe that free and common soccage would give general satisfaction, but our misfortune is, we cannot find out the true rights of the Seignior.

26.—I have again to refer you to the Seventeenth answer.

27.—I do consider the right claimed by the Seignior, in exacting *lods et ventes*, on sales of lots or emplacements, in cities, towns or populous villages, to be of a very onerous and burthensome nature, and very objectionable, but not more so in the above named places, than in the country, first, because in cities, towns and populous villages, the *lods et ventes* fall generally upon the rich; secondly, because the poor class in the above places are only tenants and not proprietors, whereas in the country, there are but a few who are in any way independent. They generally have their farms mortgaged to the Merchants in the cities, towns, and populous villages, to clothe themselves and family.

28.—The claim (for I never considered it a right) of *lods et ventes* is highly injurious to industry and commerce, and generally complained of as a hinderance to enterprize and public improvement.

29.—The claim of *lods et ventes* I believe to be nominal, and if proved to be a right, can only in equity extend to the value of the wild lands in their original state, when conceded; as for the claim of redemption, I hardly think that any nation would sanction such a monster as a right—the reservation of all oak, pine, and other timber, fit for building, with stones and sand. My Seignior will have a right to a third of the Seignior of Argenteuil, for I venture to say, that between his three large domains, rocks and sand, that he has a claim upon one third of the Seignior.

30.—I have no knowledge of any such traffic myself, and from hear say, I cannot state from any confidence.

31.—I believe that there was an action as stated in this question brought by James Brown, Esquire, of Montreal, against Major Johnston, Seignior of Argenteuil, some years ago. I refer you to that gentleman for the result.

32.—My being from home deprives me from answering this question. I believe that the said James Brown, Esquire, could give much information on this subject.

33.—I have two deeds in my possession at home, dated about, or nearly 50 years ago, that mention the rents on every 90 *arpens* to be one dollar and three minots of wheat, and some were granted about 1816 or 1817, who pay three dollars and six minots of wheat on every 90 *arpens*.

34.—Not to my knowledge.

35.—The part of the Seignior in which I reside was settled about thirty years before I settled there.

36.—I do not.

37.—I cannot, from my own knowledge.

38.—In the settlement where I reside commonly called Beechridge, in the Seignior of Argenteuil, I believe in 1828, we collected a sum of money for the purpose of ascertaining, if possible, the Seignior's rights, which sum was entrusted to Mr. Thomas Cooke; he applied to Mr. Beaubien, in Montreal, and I believe to other French Lawyers, but we saw that we had no better chance with the laws of this country, than a cat in Purgatory without claws, for, part of the Judges and Advocates are Seigniors or connected with Seigniors.

39.—Any person who has travelled a part of the United States, or Canada West, or the Townships in Canada East,

will without hesitation answer in the affirmative; for instance, look at the town of Lockport and other towns in the State of New York, of twenty years standing; look at the towns of Hamilton and Bradford in Canada West, of 20 or 22 years standing; or look nearer home, to the village of Aylmer, in the township of Hull, of about 12 or 14 years standing, compare the above places to some of the hovels of Saint Andrews and other Villages in the Seignior, probably you will say that the above are places of trade and traffic; so might Saint Andrews be; it has the advantages of a fine river, and rapids of a thousand horse power,—there might be manufactories on the said falls that would employ three thousand men, women and children; if the dog was not lying in the manger,—the free and common soccage would be the best if it could be obtained without much sacrifice.

40.—I have not, nor do I consider that any person can mature on the subject until they know the claims of the Seignior.

41.—I cannot point out any plan until the just claims of the Seignior are made known.

42.—I believe that the greatest grievance complained of at present by the *Censitaires* is the *lods et ventes* on their labor and improvements. If this claim of *lods et ventes* on improvements is unjust, within twenty years the Seignior of Argenteuil will have pocketed, of the *Censitaires'* money, at least twenty thousand pounds, which should have been kept in sight, should the Seigniorial tenure ever be commuted for, or in whatever way modified.—I wish every justice to be done to the Seigniors as well as the *Censitaires*, but until I know the just claims of the Seigniors I cannot give an opinion upon the best method of effecting so desirable an object.

43.—A commutation of tenure would be my choice, and I believe would be generally approved of by the thinking *Censitaires*, I mean of British origin. Arbitration should be a Court of Justice, and indifferently chosen by the Seigniors and *Censitaires*, could not but give general satisfaction; but care should be taken that the arbitrators should be chosen from a distance, say from England, United States, or Canada West; so there could be no favors on either side.

44.—I had not seen the Bill of which you had the goodness to send me a copy, nor do I at present see any objections to the said Bill.

45.—I believe I can state without being contradicted that our Seigniors never had a deed or patent from the Crown, but I believe there was a promise to that effect. As I am in Quebec, and my deed of concession in Argenteuil, a distance of about 230 miles, I cannot charge my memory with all the reservations of that infamous document, but I will give you a list of what I recollect: first, one dollar and three minots of wheat for every 90 *arpens*; all pine, oak, and other building timber, that the Seignior may require, and all stone and sand with *moulins banaux*, &c. &c.

46.—I do not believe that Lieutenant Colonel Johnston has half the claims upon me which you call rights as a *Censitaire*, first, because there are more than one rate of claims in his Seignior, and secondly, because the adjoining Seigniories charged only 5s. 6d. per minot of wheat, in 1840, when I paid 9s. per minot. If you will please inform me what the Seigniorial claims are by the *coutume de Paris*, I would then be glad to make a calculation on the claims.

47.—I must wait until you think proper to inform me what the Seigniorial claims are, for I believe that his claims far exceeds his rights.

No. 44.

(Translation.)

Answers of the *Censitaires* of Daillebout, to the Questions put to them by the Commission of Inquiry on the Seigniorial Tenure.

We, *Censitaires* in the Seignior of Daillebout, parish of

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Ste. Mélanie, the Agent for which is at present Wm. Berozy, Esquire, Co-Seignior of the said Seignior, having called a meeting on the 7th of August, for the purpose of appointing three persons to answer the Questions of the Commission of Inquiry on the Seigniorial Tenure, have appointed the three persons hereinafter named, viz: Charles Laporte, Councillor, Firmin Grandchamps and James Benny.

After we were thus appointed by the *Censitaires* of the said Seignior, we met for the purpose of hearing the complaints of the *Censitaires* which we now respectfully state.

Nothing can be more injurious to the welfare of the Agricultural class than the *lods et ventes* we pay, accompanied by the right of *retrait*, the reservation of mill-sites, and of pine timber, and other timber fit for building purposes, which deprive us of the advantages we might derive from these things without any compensation from the Seigniors, notwithstanding which we are obliged to pay them a heavy annual rent in good, sound, dry, merchantable wheat, and also a money rent, the payment of which we find very burthensome.

Upon a great number of our lands, one third only of the ground is susceptible of cultivation, by reason of the rocks upon it, yet the Seigniors make no deduction from our rents on this account.

The Seigniors concede their lands after this fashion:— Jacques Sulière having demanded that a land should be conceded to him, the Seignior refused, unless he would consent to give his note for ten dollars, "for value received," without mentioning the concession in any way, and would also pay for the deed and the survey and *procès verbal* of the lot.—This fact occurred about three weeks ago.

As to a change of tenure, we do not wish for it, but we pray that it may be amended, and that the rights of the Seignior may be redeemable on easy terms of payment, and in all cases where the *Censitaire* shall desire to redeem them.

The whole respectfully submitted.

(Signed) CHARLES LAPORTE, Councillor.  
FIRMIN CORNEILLE, dit GRANDCHAMPS.

No. 45.

*Answers of the Inhabitants of the Fief Mary Anne and Seigneurie de Lanaudière, to the questions to them submitted by the Commissioners appointed to inquire into the Seigniorial Tenure.*

1.—We have our precarious residence in the above Fief and Seignior.

2.—Having no deeds by us, we think the oldest title deeds may be about 50 years, and there are every day, some hazarding settlements on the unconceded parts of the Seignior.

3.—Various individuals, for it is seldom that he who begins upon a lot of land keeps it.

*Note.*—This question, with many others, must be answered by individuals. Then, we shall cite a particular case: one Matthews about the year 1800, selected a spot near a place called the "Chute," and made some *abatis*; but disliking the Seigniorial Tenure, he sold his labour on improvements to one Timothy Hebbert, who at his death, some ten or twelve years since, left it to his son Josiah.

4 & 5.—Hebbert, shortly after he purchased of Matthews, got a title deed from Mr. Louis Belair, agent to the House of Lanaudière, by the late Mr. A. Gagnon, of River du Loup. This deed for the reasons mentioned below (in No. 8.) was either conceded or abrogated. Some thing of it must be seen in Mr. Gagnon's Greffe, at Three Rivers; but the other deeds, if another one was passed, cannot say where it is, though the present occupier (John Heb) has asked Mr. Pothier.

6.—Just answered. But we, in Lanaudière, our case is materially different perhaps from other *Censitaires* in the country, except those of the Borough of Sorel, for we have never been able to obtain any thing more than a promise, and go and choose a place to suit you, and I will give you a title (*Je vous donnerai un contrat.*) Requests, prayers, solicitations, entreaties, though made with the most urgent, yet submissive language, have been of no avail.

In regard to renewal of title deeds, it is a common thing with the Seigniors, for, in *fief Carufel*, only three or four years ago, they were forced to renew, and some of the people say they found a very material increase of rent against them. That *Fief* was sold the 27th September last, in Three Rivers, by Sheriff, and it is said the purchaser, Col. François Boucher, intends making them renew again.

The Seignior of River du Loup, three or four years since, were called upon for the same purpose, but cannot say how things went there.

7.—Partly answered in Nos. 4 & 5.

8.—In *Fief Mary-Anne*, and a few in Lanaudière, the rents are nearly double to the primitive or ancient titles, *i. e.* two *sols* per *arpent* and half minot wheat, for every twenty superficial *arpens*, or one quart of wheat,—But: 1st. This was doubled in the Hebbert's deed, though he was particularly careful as he thought to stipulate for one *sols*. Having the land for three years, rent free, he hurried not to pay till called upon, but finding to his utter astonishment, that he had four *sols* and two quarts wheat for every *arpent*, he refused; was prosecuted; he protested in Quebec. "The business ended, however, by my father paying forty pounds for arrears, and perhaps part of the costs, and Mr. De Lanaudière's, in acquiescing to my father's demands." My father at last succeeded to get Mr. Louis Belair, his Agent, to alter or make a new deed; but hearing of Mr. De Lanaudière's death, just at that juncture, the deed was not signed though he had Mr. De Lanaudière's letter to that effect, which he (Belair) kept, and has been lost to us. 2nd. It was the same thing with Frs. Therien. People were so certain Mr. Hebbert had succeeded in getting his land on the Tenure of one *sols*, that Therien had his deed made out similarly; but what was his surprise, finding that enormous difference! Mr. De Lanaudière, however, at the foot of the page, or in the margin, reduced it to one half. *i. e.* to two *sols* and one quart wheat, per superficial *arpent*, but this it is said has been blotted out since. 3rd. The deeds that have been given out for *Fief Mary Anne*, were recalled for the most part by the Agent, a few years back, under pretext that it was necessary for him to see them, "pour me régler" as it is said; but when they returned for them they were told "Monsieur Pothier les a emportés à Montréal."

The Titles in Lanaudière are a strange work indeed, see.

9.—It seems the dimensions vary very much from 3 × 20 to 3 × 40 according to Localities. Hebbert had 16 × 30, but his son has dropped a larger portion.

10.—See answer No. 6.

11.—See again No. 6, and articles I and II, in answer 8. Yet we may say:—that complaints, if re-iterated, would have drawn upon us the wrath of the Lord. Curious stories could be told by the people of the Borough of Sorel, St. Charles, Lanoraye, &c.

12.—In Sorel, the complaints of the people are, alas! but too general and too well founded, both for the comfort of the people and the character of the Government. The principle of the notorious Col. Charters, has obtained in many places.

13. & 16.—In *Fief Mary Anne*, there is a very splendid one with four sets of stones for grist, and one for shelting barley. It is not used exclusively for either purpose, yet some of the farmers have been forced to pay till then (here) for what they got ground elsewhere. This is many years ago. This mill in former years, must have yielded a profit of at least a £1000, clear of all expenses; for, in '37 and '8 it produced upwards of £600, but since then has

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fallen off most lamentably; the clear revenue now is perhaps not above £200.

There is no mill in Lanaudière, though there are about twenty places where they could be made, and the people of Lake Maskinongé have very frequently asked for one, or for permission to make one; but every application here has been equally unavailing. At last, a private individual attempted to make one upon a brook. Mr. Pothier sent for him, and so frightened the man, that he lost his reason! Then Mr. Pothier began clearing a place for one, but that is all that was done.

17.—The right of pre-emption, *droit de retrait*, &c. This answer must necessarily be very long, embracing as it does, queries not proposed: law and right trampled upon, and humanity with every principle of justice insulted and outraged, by such serious acts of tyranny as would have disgraced human nature even three centuries back.

I.—This was done in a case where one Frs. Trépanier bought of one Simon Elliot. This Elliot has just wit enough to be extremely industrious, very quiet and peaceable, and easily imposed upon. This was in *Fief* Mary Anne.

II.—Frs. Thérien mentioned in case II. No. 8., sold a part of his land to one Lamarre, for 5000 *livres*. Mr. Pothier certainly meaning well at the time, said he would take it back and return it to Thérien. He allows the widow, who has married since, to remain on it, but would never give a deed.

III.—How shall we designate what follows? You, gentlemen, who are disinterested, must be impartial; we leave you to judge, then.

IV.—One J. Bpte. Beuparland bought the improvements of one St. Louis. Mr. Pothier heard of it, sent for him, and told him: "the land is mine; if you pay St. Louis, you shall pay me again." Frightened, the man got the money, about £30, and St. Louis lost all.

V.—One Beausoleil bought in a similar manner from one Bellant. Mr. Pothier heard of it, sent for the man; but he replied, I bought Bellant's works, (improvements) not Mr. Pothier's. The thing dropped here.

VI.—One David Armstrong, about the conclusion of this last American War, went up to lake Maskinonge, which was then King's lands; yet in case of its falling under the Seigniorial system, obtained permission to select a spot to his taste. The ensuing year, he took his family up. For several years, the hardships he had to struggle with almost alone, no road in the wild woods 16 miles beyond the last settlements, to carry his grain to mill and home again on his back, he at last despaired; but the Seignior, or he who afterwards became so, prevailed upon him to remain, promising him a title, and so forth, until succeeding a little better, he felt loath to leave. The Seignior sent for him, and frightened him to pass a deed, binding himself as a farmer and to give a third or a fourth of the produce!!! But candour obliges us to say that this has not yet been called for; but it is the sword of Democles. John Hebbert, Benj. Page, and several others who after one, two or three years, followed Armstrong, and all under the same impressions were compelled to do as Armstrong, i. e., become farmers.

VII. He prosecuted, nay, indeed persecuted one John Hebbert for £500 damages, for fishing in Lake Maskinongé: Hebbert was cost in one shilling.

VIII.—One Augustin Juncau settled in a place named *Ruisseau Plat*. He sold his improvements to the late Joseph Pichette, who re-sold to Augustin Arsanaud; the Agent so persecuted this man that he had to fly, to avoid the Jail.

IX.—Pierre Trudelle settled upon River Maskinongé, &c. Bailliff Labreche was put after him too (in 1841) in the scuffle, they threw him in the fire that was before the door of his hovel, and in all probability would have burnt his feet off, had not his wife, in despair, seized a large stick and beat them off. She was advanced in pregnancy, and in the

struggle, they threw her most brutally over a stump, and for a time serious apprehensions were entertained for her safety.

X.—Maxime Duhème for several years in possession of a lot, told a man this last winter to look out for a sugary elsewhere, as he intended to use it himself. The other having a lease of it from the Agent, a quarrel ensued. The Bailiff, Labreche, was sent again; but dreading the uncommon muscular strength of Duhème, though a very quiet man, thought it would be safer for him,

XI.—To return to Trudelle's, and carry off his wife as a trophy, for having beaten him the preceeding summer.

XII.—Sugaries are here leased out, though several of these leases are in lands on which are people residing. Such are a few out of a multitude of examples that might be brought forward.

XIII.—Rumour says that ten dollars per annum is the rent that is to be put on all these lands.

XIV.—It may not be improper to observe perhaps that Sugaries are leased out, though on the lands of persons who hold *feu et lieu*, and these rents are paid: will these rents be allowed in mitigation of the ten dollars?

18.—The fourteen cases cited in the last answer, all of which can be attested by many persons, are sufficient to shew the baneful effect of this iniquitous privilege. There are besides, instances on record, when the lord, out of mere aversion to an individual, has routed him by this means out of his Seigniori.

19.—No; not here, unless the cases IV and V, in answer 17, come under this head. It is not uncommon elsewhere.

20.—More or less, according as the blood runs free or languidly in the veins of the *Censitaires*.

21.—A grievous burthen, the source of universal complaint and disgust.

22.—In Lanaudière, there is no necessity for reserving, for, in the first place, the Seignior gives no title; and in the next, he claims, takes and keeps all he can get; he not only takes the pine and spruce, (*épinette blanche*), and hard wood, but also the sugaries (see case XIV, in answer 17,) and will not allow those who are located to sell fire wood or rails, to procure themselves a few of the most necessary articles of life.

23.—Complaints have been made; but where is a poor man to get redress: the property is mine, who is to gainsay that?

How can a man get on with his lands when there are such prohibitions and obstacles? The people here in short, are vassals, in the fullest sense of Johnson's Explanation. See answer 17.

24.—Since Mr. Pothier has become proprietor, no man has ever been able to get a deed, unless Armstrong. See 17, case VI.

25 & 26.—There is a confused idea of such applications having been made; but not sufficiently distinct to justify us in saying positively where, by whom, &c., in Sorel excepted.

I.—That Seigniori was purchased by Government, and so many of the loyalists as could be found to settle there were told and promised that they should have their lots in free and common soccage; and many of them got Location Tickets, which finding that they also were to be fed with promises, they sold. Applications to Government were made time after time; but the men in office, almost invariably in this country, have found means so to identify their private ends with the public interests, as, when they could not obtain the most exorbitant fees, to avoid executing the positive orders of their superiors, and artfully to throw the

\* The Sagary is on the land occupied by Duhème.

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blame on the sufferers. His late Majesty Wm. IV. had given positive orders; but after he left the country they were disregarded. These things remained till the time of the Earl of Dalhousie, who, less scrupulous, put a tax upon all the borough lots, the most grievous.

II.—But with regard to us here, we never could obtain a title of any description. (See No. 17, case VI.) We were invariably put off with promises, &c. See No. 6.—Nay, indeed.

III.—Many among us offered and carried our rent to the Lord, as well as to his agent, which they refused, notwithstanding all our remonstrances. The Seigneur would say, "well put it by, and when I shall call for it, you will find it ready." What an answer! In '41, however, he began to take his rents and arrears; those of *Fief* Mary Anne having their deeds, one would imagine the Lord could have no reason to refuse the rent.

27 & 28.—*Lods et ventes*, under whatever shape or form raised, must be burthensome, galling to the feelings, injurious to private interests as well as detrimental to the country at large; and it is hard to say whether that tax presses most upon town, village or farm lots, for

I.—Agriculture and commerce are mother and daughter, and the arts are so nearly allied to them, that whatever injures one, must necessarily affect the other; but

II.—Commerce and the arts being more fluctuating and dependent (in our times at least) on the whims and caprices of individuals, and various other external and uncontrollable causes for encouragement and protection: they must necessarily be more subject to fail and change localities, &c. &c.

These mutations causing the fines of *lods et ventes*, must be most deeply felt, particularly to the artist or commercial man, as the nature of their pursuits require such a variety (and some times of expensive as well as extensive) of buildings, causing great outlays of capital, which we may say lies dead; yet as these give the value, so is the increase of the mutation fine.

From this view, it would seem agriculture suffers less, but tyranny and taxes destroys all energy. See Sicily, Spain, &c. &c.

29.—This shall be reserved for a future article. See A. B. C. D. in p. 122 to 123, particularly D. 123.

30.—No, that could not well be practised with us; there were enough of other vexations and extortions. Yet see No. 17 cases IV to XII. Such things, however, to the disgrace of human nature, are unfortunately not uncommon. Application made to the *Censitaires* of St. Henri in Lanoraie might lead to some curious discoveries.

32.—See answers 6, 24 and 26 case.

III.—It may be well to amplify a little. Then upon the strength of the words: "Go and chuse a place to your liking," have most of the residents in Lanaudière located. Yet see No. 17, cases.

VIII to XI.—To specify or even to hint to our Lord any particular sort or form of deed would have drawn down upon our heads the whole force of his wrath for presuming to dictate to H. M.

31.—See answer 30, as to ourselves; but in the *Seigneurie* of St. Charles and various other places belonging to that Lord, very strange proceedings have taken place, keeping however, by a little stretching, out of the hands of the laws of man (and this is sufficient for this world.)

33.—The rents it would seem are very various, but generally very moderate, the primitive deeds, and where they have not changed hands, but remained in the old families; but where the Seignories have fallen into the hands of the English, most particularly their ideas of *meum* and *tuum* have kept pace with the other improvements, the alteration has been very serious, and but few of them scarcely moderate.

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34.—No; generally the Lords are very lenient in this respect, with us; we have been persecuted for settling.

35.—Finding all our prayers and entreaties for Titles unavailing, the people of the Lake (Maskinongé) took legal advice and protested. They applied to Government, and even to the Governors themselves; but there is a fatality in the Government offices. Oh! how joyfully was hailed the orders, and the measures of Lord Durham, in regard of the Land office; but it was a mere temporary glare dazzling the eyes of all parties, for it has made us feel our Egyptian right more palpably, and then even more reckless if possible. For further see:

36.—Answered in 35. We were awed into silence.

37.—We remarked above No. 30, case I, No. 35, No. 17, cases No. 6 and Nos. 25, 26, cases II & III.

38.—See 35 and the references in answer 37. See also No. 8, cases I, II, III.

All these complaints in whatever quarter made, have done but very little good; and after positive injury, by expenses beyond our means for travelling, legal advice, official applications, and the loss of time by dancing attendance upon the people in office, who in almost every individual instance, though extremely polite, seemed as if they identified themselves with those in power, and abuses, and kept putting off with promises, pleas of want of formality, wrong office, want of time, besides ten thousand other *civil* excuses, until becoming tired with running from Peter to Paul, straitened in means, we have been obliged to give up in despair and disgust, and return to till our fields, gaining thereby loss of time, of money, but with the honorable Title of Squatters.

39.—Under existing circumstances; *i. e.* the present degraded and debased state of the human intellect, until such times as it may please providence to remove, or to rend, that thick and almost impenetrable veil; that veil, which for so many centuries has represented nature, intellect and reason under such erroneous and distorted forms. The tenure of Lower Canada if brought back to what it was before 1711, with a positive scale to regulate in all cases, under severe fines for transgressions, would perhaps be the best, at least for a few years more. But see D. in XV, XVI, XVII.

40.—This has been the subject of very many painful reflections, and has some times caused serious contention; but you are respectfully referred to Nos. A, B, C, D, pages 122, 123.

41.—See the above references A, B, &c..

42.—See particularly No. D, also those cited in references to Nos. 40 & 41.

43.—No, by no means. There are indeed many honest and well meaning men, but there are extremely few whose judgment and understanding are not more or less prejudiced, nay, sometimes so completely warped by education and the association of early ideas, or indeed any one of those numerous infirmities to which our nature is subject, to risk such mighty interests in the hands of three men is merely changing the sides of the thing, and reveting still closer the chains of our thralldom.

For the Lord will always find means to evade its spirit, by adhering strictly to the letter; and the vassal must comply, for, where will he find means to fee a fat Lawyer, &c.? How then do?—See Nos. , they may afford some light.

44.—We have taken a hasty glance at it; the motives that suggested it are praiseworthy, and deserve gratitude, and its authors have our grateful thanks; but yet it is very deficient, and confirms us still more strongly in opinion of the extreme difficulty of divesting ourselves of early prejudices, the association of ideas contracted, and formed in early life (as mentioned in No. 43.)

If such, then, be the case with men of rank, education,

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intellect, &c. what must it be with the lower orders, with men who have had only nature to see and contemplate, and a little reason (intellect) to help their understanding; men whose ideas extend not beyond the objects around them? But nature always wise and beneficent in all her dispensations, if she has so circumscribed our ideas within such narrow limits, has also blessed us with the power of enduring patiently and looking up to him from whom all comfort proceeds.

The method proposed and adopted, as we are informed, by the gentlemen of the Seminary, is as absurd as it is iniquitous, and proves, alas! but too completely our opinions as above stated.

45.—This, so far as our means will admit, shall be replied to hereafter, for at present we have not the means.

46.

47.—Sec A, B, C.

48.

49.—We have at last got through all the questions, one by one; we have replied to them largely, yet, on your account, we have kept many things back, fearing to become tiresome; but

50.—We respectfully and most earnestly beg of you to read these our reflexions, with our opinions, which shall be numbered in continuation to your queries 49, 50, &c.

51.—We hail this long and desired opportunity of laying before a competent tribunal these our remarks and mournful complaints, sure of being kindly heard and fully attended to. They shall be made, with all the deference which your appointment and praiseworthy intention deserve, the seriousness of the subject requires, and the interests of so many oppressed individuals call for.

52.—But interests so opposite and so clashing, and prejudices so inveterate, seem to laugh at human reason, and bid defiance to all endeavours to adjust.

53.—What can indeed be more repugnant to reason and truth, and every human notion of right and justice, than this strange and sacrilegious division of a property that the Great Creator intended should be common to all his creatures into the hands of a few! The brute beast is satisfied with his portion, and he enjoys it without molestation from his fellow brutes; but man! man alone, wrests from his fellow man his imperishable right—a right which he received directly from the Almighty; and if he only knew, how he would also forbid him the light and the air, for the water he has also monopolized, so far as he could.

54.—On this magnificent and extensive continent, where all God's creatures were luxuriating in the profuse abundance of all that nature could afford, and where none of these selfish chilling, blasting motives existed—that those horrid systems, which caused so much wretchedness to the other three quarters of the world, should be introduced here, is wonderful indeed. That Governments that they could collect, and at their command could not devise a more equitable, not to say rational, mode of settling their surplus population, is strange, and proves still further what we have said above (in Nos. 43 & 44). It indicates a radical evil, which the light of the 19th century should surely dissipate.

55.—Public men, men who have deserved well of their country, should by all means be compensated according to their merits by their country, but not by the individuals of that country.

56.—This should be done from the revenue which, in the ordinary course, if not sufficient to subvene to those extra demands, lay a tax on land, if you choose, rather than on agriculture, (see 27, 28) on the arts; and let this be realized as nearly as possible, according to A. 64, s. IV and V, let that go to the common fund; but by no means out of the pockets of individuals, be the merits of the claimant what they may.

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57.—The force of this remark will appear, if we consider that by perpetrating this Seigniorial system whenever circumstances may authorize the Legislature to tax the Country, we, of the Seignories, will have two taxes to pay: the one above mentioned in common with all our fellow countrymen for the support of the Government, and the one on the land to the Seignior.

58.—The system then of land granting in this country seems to us vicious in the extreme.

59.—How then shall we remedy this without infringing on the rights of individuals? Alas! Infringe! What, the rights of 150 or 200 individuals? a great deal too much indeed. But what says the other side of the question. How, in the first place, were those rights obtained? In times of barbarism, in the iron ages, when might made right, when a man, if he had the misfortune to be born of poor parents, was considered, in some respects, as inferior to the brute beast, and certainly was worse treated. How many—what multitudes of these have been sacrificed for the mere amusement often of a few in power. Are these multitudes then only the herd? No; you gentlemen, nor any reflecting will so say.

60.—From these sad reflections that force themselves upon the mind of thinking man, let us proceed.

61.—Various ways suggest to remedy this distressing and degrading evil; and among the most feasible, the following may be worthy, perhaps, of your careful attention.

A.

62.—Ask the Seignior how much he will take for his Seignior; if the price be reasonable, strike, if not,

I.—Let him produce his Terrier (or Dooms-day Book,) and compare the revenue with the interest of the sum demanded.

II.—If there be no possible way of settling otherwise, then choose three men as Arbitrators in the usual way, and abide by their decision.

III.—Then let the Terrier be examined and compared with the map of the Seignior, to ascertain correctly how many deeds are already out, and how many more may remain.

IV.—Let the whole Seignior be examined by three conscientious men, who are fit to judge of the quality of the soil, the locality, conveniences, proximately to market, lands, highways, &c., and then,

V.—Let the sum or price of the Seignior be assessed on the land according to the advantages or disadvantages mentioned in the last clause, because it would not be fair that a man who has a rocky land, one lying in a dead swamp on ten or twelve miles from the high road, mill, &c., should pay the same as he who has one or more of these advantages.

VI.—The Seignior may keep his house and lands private, such as he used to keep for cultivation, fuel, &c., upon paying the same as the others.

VII.—If there be one Mill-site or more, and he chooses to keep one, let the revenue of said Mill be deducted from price of Seignior at the rate of ten per cent., which is allowed, I believe, as the usual rent or interest of money on landed property. Thus,

VIII.—Supposing the sum agreed for is.....	£30,000
At 10 per cent, is.....	3,000
annually; that should be the rental. Now the	
produce of the mill, all charges and expenses	
paid is.....	1,000

Which leaves a rental of..... £2,000  
if principal of 20,000 to be assessed upon the *Censitaires* according to Clauses IV. & V.

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IX.—Let this sum whether 10, 50 or 100 pounds be divided into 5, 8, 10, or 15 yearly payments, with the interest.

X.—If the Lord chooses not to keep the mill, let it be sold, leased or rented, and the revenue go towards liquidating the principal or the interest.

XI.—All reserves whether of pre-emption, *banalité*, *corvées*, &c., are included in the price, and should be done away with.

## B.

63.—I.—Let Government call upon the Seignior to produce his Dooms-day Book, with the accounts made up for the last 5, 8, 10, or 15 years, which if honestly done, let him be honestly paid.

II.—Judge by this of the average revenue, which at the rate of ten per cent for the sums actually received, within that average of years, be paid him or at the rate of six per cent upon the

III.—Whole, *i. e.*, sum received, and arrears for the conceded lands only; and not upon the whole number of lots that may be within the Seignior; because there are Seigniors who reserve large portions of land to concede at a future day.

IV.—If there be one or more mills, let that be as in Clauses VII. and VIII. of Schedule A., *i. e.* at the average interest of landed property.

V.—If there be but one mill or mill-site, and he choose to keep it, he shall be obliged to keep it in good working order, but he shall not have any right of *banalité*; all those privileges must be excluded.

VI.—It frequently happens there is but one mill-site, yet so that it may be made to drive two mills. In this case, whoever may have the advantage of the mill or site, if he does not employ it himself, by doing all those works that it may be applied to for the use and convenience and demands of the surrounding country, any person choosing to, upon paying into the Seigniorial chest the value of such surplus water, shall be allowed to build and make those works that are required, yet so, as by no means to interfere with or obstruct, injure, annoy, vex or fret in anywise, other than in the usual way of competition. Ample space shall be allowed for back-water, head-water, roads, yards, &c. &c.

VII.—All these things duly and thoroughly considered, the whole population or holders of land shall be assessed as specified in A. IV. to IX. No. 62.

## OR C.

64.—I.—Let Government call for the Doomsday-Book, and examine to find out the number of lots in such Seignior.

II.—The rents paid.

III.—All the fines, *banalité*, *corvées*, *réserves*, &c. &c.

IV.—And as the principal represented by the rent paid before the year 1711. So be the value of the land thus.

V.—Supposing one hundred *arpens* at one *sol* per *arpent*, will give eight shillings and four pence annually, which represents a capital of about £7. Let these Seven pounds be considered as the value of the land, and,

VI.—Assessed, to be paid by regular yearly instalments, with the interest, in the space of five, eight or ten years, &c.

VII.—Let the Seignior retain his private lands, and,

VIII.—As in A. B. which, see under Mill.

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IX.—Let all fines as mentioned in clause III, of this be entirely done away with, and excluded for ever, by paying one *sol* or one *sol* and a half more per superficial *arpent*.

X.—No other reserves besides those in S. III. if this shall be ever allowed, such as fishing, hunting, reserves of wood, &c. &c. But let every one enjoy the advantages he may have, subject however to such regulations as the Legislature of the country may deem fit to enjoin, enact or enforce, for the common good of all parties, and none other whatever.

## OR D.

65.—If the principles of justice, on the light of reason which now at last begin to dawn upon us poor creatures, should be again over-cast and further retarded by the prejudices of ignorance, private influence or the cupidity of those in power, and we be still doomed to wear the yoke of servitude to a few individuals; then do make it as light to us as your influence will admit.

66.—In that case then, we respectfully entreat you to consider the following:

I.—Let the rent be reduced to one *sol* the superficial *arpent*.

II.—The *lods et ventes* to be estimated upon the land in its natural state, say, as one *sol* per *arpent* represents £7, so let the *lods* be upon £7 only for ever after throughout the whole country; let it be the standard.

III.—For all, or in lieu of all his rights, such as *droit de retrait*, *corvées*, reserves of wood or timber, *banalité*, fishing, hunting and all the rest of that interminable list of privileges, one *sol* more which with the rent and *lods* should surely be sufficient.

IV.—If there be but one mill-site, let him have it, with the express conditions of his employing that water-power to all the purposes the demands of the surrounding country may require.

V.—Or if he be negligent in this respect, or indifferent, he shall be allowed to sell it, but,

VI.—In no case, whether he returns or sells, shall any exclusive privileges be attached to it.

VII.—In no other case shall a Seignior be allowed to sell, unless,

VIII.—In sales, he chooses to sell all his privileges, and from that time such purchaser shall hold his land or lands absolute free, the same as King's lands.

IX.—No Lord shall change lands neither with his vassal, nor with any other.

X.—The Seignior shall not, on any consideration, have power to compel any *Censitaire* to renew or take out a new title deed; if he wants one let him apply to the *Greffe* of that Notary who passed the original deed, and get a fresh copy; or let him look to his *Terrier*, and so also with the *Censitaire*.

XI.—Neither shall any Seignior be able, upon any pretext, to add any surplus tax, or other burthen whatever, upon the lands.

XII.—The Seignior shall keep a regular Dr. and Cr. account with the *Censitaires*, wherein their receipts or payments shall be entered; and,

XIII.—Any *Censitaire* losing his receipt may call upon the Seignior for a new one, specifying the reasons, and paying two shillings and six pence for the trouble he gave the Lord, or abide the result.

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XIV.—No *Censitaire* shall be compelled to produce his receipt to obtain one for the rent he is about to pay, as is now the case with many, unless fire or some other calamity hath destroyed the Lord's Books.

XV.—Whatever lands may be hereafter conceded, the Seignior shall pay his half of the expenses of the Surveyor, Notary, &c., &c.

XVI.—No Seignior shall be allowed to return his Domain (Seignior) to the King, to take it back again in free and common socage, unless it be given out as in C. page 123, on some such equitable way; and not to be left to the caprice of individuals as is now the case; for, the *Quint*, whether it originated with Joseph in Egypt or Ferdinand Cortés in Mexico, is equally impolitic and iniquitous.

XVII.—The reason of the above clause is to prevent speculation, for, a Seignior with such power, may lay what charge or price he pleases on his lands, now that they are brought to value by the labour and perseverance of the *Censitaires*, merely under, and in spite of all the chilling restraints of Seigniorality, and make the people become farmers as in England.

XVIII.—If there be no mill going by water, and indeed then if there be any individual choosing to risk his means on speculation, may and shall be at liberty to build any mill or mills he may please, to go by wind, air, steam, or any other created power, for the grinding of grain or any other purpose whatever, to which such natural or created powers are now employed, or may be hereafter invented or applied to; and shall be subject to no fine, imposition, opposition or impediment from any Seignior whatever, except in such cases only where the law has provided. In short, see B. clauses V and VII.

67.—At a meeting where a great many met without any previous warning, and some quite by accident, these answers and reflections, hastily written and thrown together without sufficient time to specify all things, and without any regard to form or order, defective and deficient as they must of course be, were all approved, except the commutation, which, however, being read a second time, were understood and

highly approved of by all present, with the exception of one individual, whose strange reasoning brought on him abundance of ridicule.

We have now our apologies to make for our apparent dilatoriness. We, indeed, heard a confused rumour of something of this sort going on; but it was only on the first day of October that one of our Members, accidentally meeting with Mr. Fortier, of our neighbourhood, who had received one of these circulars and was kind enough to give it to us.

The next is the lengthiness of this our report; but the great importance of the subject involving such paramount interests, that the whole country must be affected by them, whatever turn the thing may take, will, we feel confidently accepted by you.

The opinions on modes of commutation that we have offered, are in compliance with your 46th, 47th and 48th propositions, and merely as suggestions.

We have yet a great deal that we might say on this all important subject; but we are afraid of causing you too much trouble.

If there be any thing in all that we have said that may seem harsh or severe, we beseech you to believe that nothing has been said or done in malice, nor intended to bear on the character of any individual, though indeed names are unavoidably mentioned; it is the principle we are against, not individuals; for a vicious principle will always make a very hard, if not a very bad, out of a very good man.

With the sincerest wishes and prayers for your welfare individually and collectively, as well as for the success of this great cause, which you have so generously undertaken and pursued with such praiseworthy assiduity for the good of the public generally, but most especially for,

Gentlemen, your very thankful,  
And suffering humble servants,

(Signed) MICHAEL KENNY,  
Here follows 32 signatures.

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No. 1.

11th October.

Letter from Moses Hart, Esquire, Three Rivers.

THREE RIVERS, 4TH JUNE, 1842.

Gentlemen,—I received the several papers which you did me the honor of submitting to my consideration. As I cannot answer the questions satisfactorily, having kept defective accounts from an overplus of business, I will go to the main object, that of lightening the burthen of the Seigniors on the *Censitaires*.

The intended sketch of a Bill for that purpose will not answer; it is highly defective, unjust, burthen-some, and reducing the Seigniors to penal Laws. It is said that the *lods et ventes* or 8½ per cent operates as an unequal land tax; but no notice is taken of the most grievous feature in the system, the *quint* or 20 per cent on the sale of the Seigniors, exacted by the Crown; that the one should so exceed the other, is extremely unjust, they ought to be on a par, for, some Seigniories are sold often, while others are never sold; the same with lands, some are sold often, while others are never sold; besides, the Crown can exact from the Seigniories the *relief, aveu et dénombrement*, and *fealty and homage*, while the English have stripped the Seigniors of their most powerful and lucrative right, that of *haute, moyenne et basse justice*, on establishing Courts in their Seigniories, and that without giving them any remuneration, except a more rigorous exaction of *quint*; and Lords Dalhousie and Aylmer proceeded as far as to cause partial suits to be entered against Seigniors for *quint*, a step never taken by any Governor, French or English, preceding them, thereby saddling them with excessive Law fees, although the established maxim of both English and French Law is, that the Crown shall not exact or pay Law fees; and while the Court at Three Rivers justly refused those fees, the cases were carried by the Crown Officer to the Court of Appeals, who gave them against law, and increasing the Prerogative of the Crown.

The Seigniors are often compelled to perform fealty and homage, to bar the *retrait lignager*; and so lenient was the conduct of the French Crown to the Seigniors that they suffered them to perform it without paying *quint*; not so with the English, who never suffered it, although, in my opinion, the Crown is not entitled to *quint*, for having deprived the Seigniors of *haute, moyenne et basse justice*, conformable to their grants.

This harsh treatment has been increased by the English, by suing the Seigniors for small strips of land which they took possession of from a liberal construction of their titles, and for what purpose, but to give those lands away in free and common soccage to others, without giving the Seignior a preference.

I come now to the *Censitaires* who, in purchases of land, are to pay the Seigniors *lods et ventes* or 8½ per cent. In large purchases it is often commuted at a less sum, and the Seignior is often deprived of it by a petition exchange.

2.—The *retrait conventionnel*, or the right of the Seignior to take the land at same price; this conveys no loss to the purchaser,—many titles and Sheriff's titles frequently do not contain it, and it is frequently prescribed by 30 years.

3.—The right of *banalité* is of little benefit to the Seignior, without his Mill makes as good flour as the neighbouring Mills.

4.—The *cens et rentes* are in general small annual land rents.

5.—The fines are seldom exacted, and are too trifling to notice.

In my opinion, a Law should be passed reducing the *quint* and *lods et ventes* to 6 per cent, that the *cens et rentes* and *retrait conventionnel* remain, that the *relief, aveu et dénombrement*, fealty and homage, *retrait lignager*, fines, reservation of mines, and *banalité*, be abrogated.

That the Crown with the Seignior, the Seignior with the *Censitaire*, and *Arrières Fiefs*, be at liberty to commute voluntarily with each other, for such sum, for free and common soccage, as they may mutually agree upon. That a liberal construction be placed on the titles of Seigniors, and if they are deprived of any part of their lands, that the same be granted to them on free and common soccage, that *quints, lods et ventes* and *cens et rentes*, be executory under certain forms, and carry a privilege, and that ungranted Seigniorial lands may be alienated on the tenure of free and common soccage.

I am one of the largest Seignior holders in this District, and I think that, one or two of you, gentlemen, ought to have possessed Seigniories, though I doubt not of your impartial conduct. A great cry has been raised against the Seigniors, though their treatment to their *Censitaires*, in general, has been generous.

The arrears of *lods et ventes* and *cens et rentes* are often lost, or if sued are hurried in excessive disproportioned Law fees.

The reason of my reserving the *retrait conventionnel* is to prevent sales being made at a less value, to reduce the *lods et ventes*. Some Seigniors demand high rates of *cens et rentes*, though they thereby materially injure their Seigniories and themselves, for the *lods et ventes* will be less, and less frequent.

I have the honor to be, Gentlemen,  
Your Very Obedient,

(Signed) M. HART.

J. E. TURCOT, Esq.,  
Secretary, &c.

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4th October.

No. 2.

GENTILLY, 15TH JUNE, 1842.

Answers of Adolphe Stein, to the questions proposed by the Commissioners of Inquiry on the Seigniorial Tenure.

(Translation.)

1.—I am a proprietor of lands in the Seigniorie of Gentilly.

2.—For about 9 years.

3.—Of the first of my lands, Alexis Poisson was proprietor before me, and owned it for about six years. Of the second, J. B. Godet, the younger, was proprietor before me. Of the third, J. B. Godet, the elder, was proprietor before me, and was in possession of it for about twenty years. The fourth was owned by Noah Cushing, for about twelve years before me.

4.—With regard to the original deeds of concession, I applied to the Seignior for communication of the deed relative to a lot of land, in front of which I have a saw-mill, and he refused me. By dint of searching, I

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found it in the Archives, at Quebec, and send you a copy. I applied to him for a settlement as to the *lods et ventes* and lot of land and mill, but he again refused me, saying that he would bring an action against me for an indemnity for the saw-mill.

5.—Answered by the fourth Answer.

6.—I am in possession of a *titre-nouvel* which is only drafted and not signed. I was waiting to have the original deed of concession before I signed it, in order to preserve my rights with respect to the land on which the saw-mill is built; and I find by the deed that the right of building a mill was not reserved.

7.—Answered by 6.

8.—Having only a few days ago obtained the original deed, and that only for one lot, I cannot say whether the *titre-nouvel* is or is not conformable to the original deed.

9.—I own a building lot in the first concession, (on which I have my house) containing about one *arpent*, and a land of about 50 *arpens*; in the fifth concession a lot of 3 *arpens* by 30; and in the 1st range, a meadow of four *arpens* and a considerable piece of ground, with a saw-mill

10.—The greater number of the *Censitaires* of Gentilly, have taken *titres-nouveaux* within a few years past. Messrs. V. Guillet and Ls. Genest, were the Notaries commissioned for that purpose.

11.—I know that many complained of the reservation of the water-courses and canals; several parties having lands naturally intersected by rivulets; and others, lands which are cut by canals made for conveying water to the mills: and the Seigneur refusing to allow them any indemnity for the damages occasioned by the superfluous waters, which flood their lands. I referred to this in my fourth answer.

12.—I cannot say whether these complaints were general. I have paid no attention to them.

13.—There is but one, and it is insufficient for the Parish, although there are many good places for constructing mills.

14.—It is used solely for the Inhabitants; being insufficient to do even their work.

15.—As Seigniorial Mills.

16.—There is but one mill; I do not know its value.

17.—The right of *retrait* is in my opinion an unjust right, and ruinous for the *Censitaires*, inasmuch as those who buy for a low price cannot profit by their bargain. It is the Seigneur who reaps the benefit, and sells again at a higher price or for a higher rent.

19.—Not to my knowledge.

20.—Very rarely.

21.—In my opinion, the right of *lods et ventes* enjoyed by the Seigneur is unjust; the complaints against it are general: the inhabitants wish for some change as to this right.

22.—They reserve the oak timber, and the timber necessary for the manor house or for the mill.

23.—I do not think that the inhabitants are impeded here.

24.—I am not aware that any application of this kind has been made.

25.—I prefer the *franc-aleu roturier* to any other Tenure.

26.—I applied to the Seigniors of Gentilly for about 200 *arpens* of wood land, and was several times refused. I offered to take a deed of concession on the terms usual in the Seigniory. The reply of the Seigneur was, that he did not wish to concede. It is about six years since I made the first application.

27.—Certainly, the right of *lods et ventes* is more unjust in towns, inasmuch as the value of the houses is frequently four times that of the ground.

28.—It is certain that the right of *lods et ventes* in towns is an impediment to improvement, and injurious to trade.

29.—I am unable to answer.

30.—I am not aware that this has happened at Gentilly.

32.—I am unable to answer, the period being so distant.

33.—Not being in possession of these deeds, I am unable to answer.

39.—*Franc-aleu roturier*.

40.—I have not yet examined into the subject.

45. I think arbitration dangerous.

(Signed) A. STEIN.

No. 3.

Answers of Laurent Genest, Esquire, Notary, of Gentilly, to the questions proposed by the Commissioners of Inquiry on the Seigniorial Tenure.

(Translation.)

1.—I am the proprietor of several lands held in *roture* in the Seigniory.

2.—I have owned one of my lands for about 26 years, and the other for about 10.

3.—The person who owned one of my lands before me was Joseph Beauford dit Brunelle, who held it for about 10 years; it made part of a lot of 5 arpents by 40, conceded it to Chamelle Dorvillier by deed before Normandin, Notary; I do not know the date. The other land I had from the Seigneur, about 8 months ago; it had been in possession of Barthelemi Augé, (I cannot say for what time) about 14 years ago.

4.—I have not the deed of concession of my lands.

5.—I cannot say who has the copy of these deeds unless it be Mr. Deléry.

6.—I took a *titre-nouvel* for my two lands, of which Mr. V. L. Guillet before whom it was passed has a copy.

8.—I drafted the *titre-nouvel* of my land myself. There are only such charges in it as I found in the other deeds of concession. The rent is not higher than that of the neighbouring lands, the deeds of concession of which I have seen.

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9.—I possess part of a lot in the first range, which is an arpent and a half in front by 24 arpents in depth. The other is in the 4th and 5th ranges, it is 3 arpents in front by 33 in depth.

10.—The greater number of the *Censitaires* in Gentilly have taken *titres-nouveaux*; they began in 1840. After the publication of the Letters Patent for making the *terrier*, many took their titles apparently voluntarily in obedience to the authority; a very few were sued in court. Mr. V. Guillet and myself were the Notaries appointed to make the *terrier*.

11.—They all think the reservation of mill-sites and of water courses and canals an exorbitant charge upon the *Censitaires*. Water courses on lands occasion great damages to the owners of such lands, those who have sites for saw-mills cannot avail themselves of them without an arrangement with the Seigneur. The *retrait* if exercised in the case of a sale for a low price, may take from the purchaser all hope of settling on the land except at a high price; but such a case has not occurred at Gentilly to my knowledge.

12.—A small number only have complained to me of the reservations above mentioned.

14.—It is for the use of the inhabitants in preference to any other purpose.

15.—There is but one grist-mill in the *Fief* and Seignior of Gentilly; it is for the sole use of the *Censitaires*. I cannot say for what purpose it was built. I was not in the place when it was built.

16.—The mill being in a very precarious state, its value cannot be very great, but I cannot fix a price; say from £800 to £1000.

17.—I never bought any lands from the Sheriff. Those I have, I acquired by private purchase, and the Seigneur did not exercise his right of *retrait*. I paid for the piece of land in the first range, without buildings, £187 10s. cy., which was its full value. The second I obtained from the Seigneur for part of the arrears due by the first possessor.

18.—The *retrait conventionnel* appears to me very burdensome and injurious to the *Censitaires*.

19.—I am not aware that the Seigneur of Gentilly ever entered into any bargain not to exercise his right of *retrait*.

20.—I do not think the right of *retrait* has been exercised by the Seigneur of Gentilly.

21.—The *lods et ventes* payable to the Seigneur are a charge which the inhabitants pay with repugnance; they do not think themselves bound in conscience to pay them. They ardently wish to be relieved from them.

22.—The reservations mentioned in the *titres-nouveaux* are conformable to the deeds of concession. The Seigneur reserves for himself the oak timber and all other timber fit for constructing or repairing mills and manor-houses. But these reservations do not prevent the *Censitaires* from clearing their lands.

23.—It is not the greatest subject of complaint, inasmuch as it does not prevent the inhabitants from clearing their lands, and they use the timber for their own purposes without any impediment.

24.—I never applied to commute the Seigniorial dues on my land into any other tenure; and I do not know any one who has applied to do so.

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25.—If the commutation were to be effected, I should prefer *Franc-aleu roturier* to any other tenure. I should have no objection to this, if the law were in operation. I have no other reason to give, than that money would be required to commute, and that by remaining under the Seigniorial Tenure, I have only my annual rent to pay.

26.—I am not acquainted with any person who has applied to change the Seigniorial charges into any other tenure.

27.—It is certain that the right of *lods et ventes* on lots of ground in towns and villages is very onerous, inasmuch as the *lods et ventes* are taken upon the total price including that of the buildings, which often exceeds twice and sometimes four times the value of the ground without the buildings. It is more onerous there than in the country parts, because the buildings are of more consequence; but this does not prompt the people of the country parts from complaining of this right.

28.—There would, I think, be no objection to pay *lods et ventes* on the value of the ground as originally conceded.

29.—I see no other mode of extinguishing *lods et ventes* and the reserves made by the Seigniors, than by allowing them a higher rent, provided the *Censitaires* be at liberty to redeem such rent.

30.—I am not aware that any thing of this kind has occurred at Gentilly.

31.—No.

32.—I am unable to answer this question, the period (1711) being so far back. But since 1833, I know that several persons have applied for concessions of wood-land which have been refused them. The reason was that the people were in the habit of making logs and wasting the land, and the greater part of them paid no rent.

33.—In the most ancient concessions in the Seignior of Gentilly, to wit, those made in 1764, the rent for a land of 5 arpents by 40, was as follows: five *livres* and five live capons or their value in money, and two *deniers* of *cens* for the whole land conceded, *tournois* money; the concession was also subject to the obligation to grind at the Seigniorial mill, and to the right of *retrait*.

34.—No, not to my knowledge.

35 & 36.—No.

37.—I know that Messrs. Adolphe Stein, Hyacinthe Hould, Joseph Roux and others whose names I do not remember, applied for concessions of land on the usual terms, and Mr. DeLéry, the Seigneur of the place, refused them. This was about five years ago.

38.—I know of no such case.

39.—I think a change of tenure would be of great advantage to the Province. *Franc-aleu roturier* would in my opinion be the best.

40.—I am unable to suggest any plan.

41.—No, I cannot.

42.—If the Government cannot take upon itself to pay the indemnity to the Seigniors, I see no other means than for the parties who wish to commute to agree upon a ground rent, redeemable at pleasure in money.

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43.—I see no better method than arbitration; provided that no Seigneur be appointed as an arbitrator by another Seigneur.

44.—I have examined the Bill; I think that it would meet general approbation, if a proviso were added to the fifth section in these terms or to the like effect: "Provided always, that whenever any *Censitaire* or *Censitaires* shall wish to commute his or their tenure into another, it shall be lawful to him or them to appoint an arbitrator, and the Seigneur shall appoint another arbitrator, and in case of difference of opinion the two arbitrators so appointed, shall appoint a third, and the decision shall be final: provided that no Seigneur shall be appointed an arbitrator for the purposes of this Act."

45.—The ordinary reservations are entered in the inclosed *titre-nouvel*.

46.—I think I have answered this under 44.

47.—Supposing that *lods et ventes* are payable on each lot once in fifty years, and that the value of a lot was 1000 francs, this would give a yearly rent of five shillings a year, as an equivalent indemnity for all rights, including *lods et ventes*.

48.—I am unable to suggest any thing further.

I am Gentlemen,  
Your very devoted servant,

(Signed) Lt. GENEST.

No. 4.

Letter of Mr. Renvoyzé, Ste. Anne.

STE. ANNE, COUNTY OF MONTMORENCY,  
District of Quebec, 23rd May, 1842.

(Translation.)

Sir,—In reply to the letter which you addressed to me, in the name of the gentlemen composing the Commission of Inquiry on the Seigniorial Tenure, I have the honor to inform you, that my occupations do not permit my answering the series of questions which you have forwarded to me. I have only to say, that the *Censitaires* of the Parish of Ste. Anne, where I have resided for twenty-six years, and which forms part of the Seignior of *Beaupré*, as well as those of the other parts of the Seignior, take great pleasure in acknowledging the distinguished equity and liberality of the Ecclesiastics of the Seminary of Quebec, their Seigniors; that they prefer their present tenure to any other, and that they consider the proposed changes as tending to subvert the structure of their excellent civil laws, in order, perhaps, to substitute for them other fiscal laws more onerous than those establishing Seigniorial rights; for they judge of the future from the past; and, besides, all the right thinking landholders unanimously say, that the present tenure is that best adapted to create independent proprietors, and not mere tenants at will and slaves; and that to perfect the law it would only be requisite to reduce all Seigniorial rents to the rates of the first concessions made in the Colony, and to prolong the time for the payment of *lods et ventes* to the end of six months from the date of the contract.

The lands conceded in this Parish and in other parts of the Seignior before 1759, pay only about two *livres*, old currency, of *cens*, for an arpent in front by a league and a half in depth; and those in the new con-

cessions, in the same Seignior, pay three *livres* (same currency) for an arpent in front by thirty or forty in depth.

The three Mills in the Seignior of *Beaupré* are always kept in excellent order, for the sole use of the *Censitaires*.

Those of St. Joachim and Château Richer yield only a profit of two per cent; and that of St. Féréol does not pay its expenses.

Our Seigniors have never exercised the right of *Retrait*; on the contrary, I know that in several instances immoveable property has been sold for less than its real value, without their having availed themselves of this right.

If the Commissioners wish to obtain an impartial and sensible idea of the advantages and necessity of our Tenure, as far as regards Lower Canada, they may refer to the judicious Memoir of Sir Francis Mazères, then Attorney General, printed in 1773.

I am, with the highest consideration, Sir,  
Your very humble and obedient servant,

(Signed) RANVOYZÉ,  
Captain Militia.

To J. E. TURCOTTE, Esquire,  
Secretary to the Commission of Inquiry on the Seigniorial Tenure.

No. 5.

(Translation.)

Answers of Pierre Lambert, Surveyor, to the Questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.

ST. JEAN CHRYSOSTÔME,  
Inferior District of Dorchester, May, 1842.

1.—I am the proprietor of two lands held *en roture*, one in the Seignior of St. Antoine de Tilly, and the other in the Seignior of St. Giles de Beauvillage.

2.—I have been in possession of the first for about 39 years, and of the second for 14 years.

3.—I acquired the first from Mr. Jean Baptiste Dion, in exchange: he had been in possession of it for about ten years; and the second from G. W. Wickstead, Esquire, agent for David Ross, Esquire, and others.

4.—I am not in possession of the original deed of concession of the land first mentioned; but I have that for the second passed before Mtrc. Olivier Grégoire, Notary, at St. Nicholas, and dated 19th July, 1828.

5.—I have not the deed of concession of the first mentioned land, nor a copy of it; nor do I know who has it. I presume that if it was in existence at the time of the conquest of Canada, in 1759, it was then reduced to ashes, in the general burning of all buildings in this Parish, by the English army.

6.—I have a *titre-nouvel* of the first mentioned land, which I executed in favor of Madame Widow Jean Baptiste Noel, and her children, (heirs of the late Jean Baptiste Noel, Esquire, before Mtrc. Etienne Renvoyzé, Notary, on the 25th September, 1823,) who died at Three Rivers.

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7.—The answer to the sixth question will apply also to the seventh, inasmuch as it shows that I am in possession of this *titre-nouvel*.

8.—I have not been able to discover any difference between the *cens et rentes* and other Seigniorial dues and charges, supposed to have been established by the original deed of concession, and those mentioned in the *titre-nouvel*.

9.—The land first mentioned contains one *arpent* and a half in front by 30 *arpens* in depth, in the first range of the Seignior of Tilly. And the second contains three *arpens* three perches and a half in front by twenty five *arpens* in depth, in the second range of the Seignior of Beaurivage.

10.—The *Censitaires* of the Seignior Tilly have taken *titres-nouveaux* in favor of the said Madame Widow Noel, and to the said heirs, prior to, and after myself, before the said M. Ranvoyzé.

11.—I have not remonstrated, nor do I know that any of the *Censitaires* have remonstrated against any of the reserves made by the said Madame Noel and the said heirs, with reference to the lands aforesaid, not having the original deeds of concession, nor, I think, any deeds of concession anterior to the conquest of the country.

12.—I do not know that there have been objections or complaints by the *Censitaires*, with respect to the *titres-nouveaux*.

13.—I know of but one Seigniorial mill in each of the Seigniories of Tilly and Beaurivage.

14.—These mills appear to me to be exclusively for the use of the *Habitans* or *Censitaires* of the said Seigniories, unless it be that some few, from the neighbouring parishes, bring grain in small quantities to be ground at these mills, either from preference or from the necessity of the circumstances in which they may chance to find themselves, as is done by those of the said Seigniories themselves; and this without any complaints, that I know of, on the part of the inhabitants, of compulsion, nor on the part of the Seigniors, for infringement of their right of grinding.

15.—I do not know, nor do I believe, that these Seigniorial mills have been built with the intention of speculating, but only for the common interest of the said Seigniors and of their *Censitaires*.

16.—I have not the information requisite to enable me to answer this question.

17.—I have never purchased, either by private sale or by adjudication of the Sheriff any real property on which the Seignior has exercised the right of *retrait conventionnel*.

18.—I do not hesitate to say that this right is always prejudicial to the *Censitaires*, and particularly when the Seigniors exercise it with the view of speculating; but I observe that the *Censitaires* of the Seigniories of Tilly and Beaurivage do not complain of it, because the Seigniors of Tilly and Beaurivage have the liberality not to exercise this *retrait*, from motives of speculation, however low may be the selling price, but solely when fraud exists, or when they have really need of the land for their own use.

19.—I do not know that any Seignior has resigned the right of *retrait conventionnel*, in any case, for a consideration.

20.—The right of *retrait conventionnel* is rarely exercised in the above mentioned Seigniories.

21.—I consider and believe that the rents ought to be paid in future as they have been paid hitherto, in conformity to the existing law of the Country; that is to say, for lands anciently conceded at six *livres* and three *sols tournois* for three *arpens* in front by thirty or forty in depth; and even for those also which have been since conceded, say within the last thirty years for rents double those first mentioned; for, I consider this increase just and equitable for all parties, as compensating the difference, in every respect, which there may be in this matter between the present and the first period.

But as to the lands which are particularly oppressed by high Seigniorial rents, such as four dollars, four dollars and a half, or four *minots* of corn, or four and a half *minots* of corn, at the option of the Seignior, with an immense multitude of charges, clauses, conditions and reserves imposed by some Seigniors during the last few years. The *Censitaires* complain and desire to be relieved, and I think with justice. For it seems to me that all those charges paralyse the labour and industry of the greater part of the new *Censitaires*.

22.—The reserves of timber made in favor of the Seigniors, by my *titre-nouvel* for my land of St. Antoine de Tilly are, oak for the building of Her Majesty's ships, and the timber necessary for the construction and repair of churches, parsonage houses, flour mills, saw mills and wind mills, the principal manor house, public edifices, and the maintenance of the same, and for the use of the farms of the Seignior.

And in the deed of concession of my land at Beaurivage, the reserves are nearly the same. There is no special mention made in it of pine.

23.—This reserve is onerous, inasmuch as it lessens the *Censitaire's* means of advancing and improving his land. For, otherwise, the Seigniors do not ordinarily object to the *Censitaires* clearing and improving their lands, on account of their reserves.

24.—I am not aware of any *Censitaire* having applied to the Seignior with a view to obtain a commutation of his land or lands into *franc-aleu roturier* or any other tenure.

25.—I have never applied to the Seignior for a commutation into *franc-aleu roturier* or any other tenure. For my own part, I have no inclination for a change of tenure: because I believe that I could only effect this commutation by means of a capital, the interest of which would be greater than, or at least equal, to the rights, charges, &c., imposed on my land.

26.—I am not aware of *habitans* having asked the Seignior in any Seignior or *Fief* for lands in common soccage, or under any other tenure than the Seigniorial.

27.—The *lods et ventes* on sales or conveyances equivalent to sales, of building lots in populous towns and villages, and even upon such lots built upon in the country parts, are very burdensome. It frequently happens, and it is not difficult to prove the fact, that the buildings are worth four or five times the value of the ground itself.

28.—The *lods et ventes* in such cases, more especially those on the price of the buildings, are very burdensome on the proprietor; inasmuch as a purchaser who would be willing to give £650 for a building lot, could only afford to give £600, to the proprietor, because he has to pay £50 to the Seignior for *lods et ventes*. This has been felt for a long time, and is daily more felt in consequence of the increased number of building lots and their subdivision; and

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more costly buildings and dependencies are now erected than in times past. People cry out, but have no remedy.

29.—I do not at present see any mode of making any advantageous arrangement with the Seigniors. To commute would only be like changing a "white cotton night-cap" for a "night-cap of white cotton," and this more especially in certain localities in the state in which things now are. The Seigniors will agree to a commutation for the *lods et ventes*, which is right; and then they will expect to be indemnified for the rents, however high they may have been fixed, and also for the value of all the clauses, charges, conditions and reservations, which they have been in the habit of stipulating for of late years, and which they consider as vested rights. And at this rate these same Seigniors would be much better off than those who have had more regard than themselves to the rights of the public. For, the latter would not have such high rents, charges, &c. &c. &c., to be settled for in their favor, and their *Censitaires* would come off easily in comparison to those of the Seigniors first mentioned.

30.—This case has not occurred to my knowledge in the Seigniories of Tilly and Beaurivage.

31.—This case also has not occurred to my knowledge in the Seigniories of Tilly and Beaurivage.

32.—I know that the Honorable Henry Caldwell had caused the front of two concessions to be measured, having their fronts on each side of the *route* called Justinienne, leading from St. Henri to Ste. Marie Nouvelle Beauce, and that for each lot of land of three *arpens* by thirty, he demanded twelve shillings and three pence currency of yearly *cens et rentes*. The people wished to obtain them at the old rate of 6 *livres 3sols tournois*, and the Seignior refused. The *habitans* said that nobody would take lands at such a rate. They waited several years, hoping that the Seignior would agree to accept their offer, but he would not. Tired with waiting and losing hope, they determined to take them at the new rate. Some years later, the Honorable Henry Caldwell declined conceding any more at the same rate, and put them up to fifteen shillings or (three minots of wheat, at his option) for *rentes foncières*, and six *sous* for *cens*. This again frightened the people. The *habitans* again said as before, but notwithstanding this, necessity made them accept the Seignior's terms, with new conditions and reservations; and after having conceded at this rate for one or more years, he raised the lands to £1 2s. 6d. for *rente foncière*, (or four and a half minots of wheat, at his option) and six *sous* for *cens*, with, as I think, additional charges, clauses and conditions; and the *habitans* after having waited some time, did as they had done before.

33.—I have in my capacity of Surveyor had occasion to see some very old deeds of concession, dated between 1700 and 1760, for lands then covered with timber, at the rate of 6 *livres 3sols tournois* of annual *cens et rentes* for three *arpens* in front by thirty or forty in depth; with an obligation to bring their grain to be ground at the Seigniorial mill, on pain of paying the toll on it if ground elsewhere. There is also a reservation of the oak timber fit for King's ships, and of the timber required for building a manor house, church, parsonage house, or Seigniorial mill, or for repairing the same. I do not remember whether the *retrait conventionnel* was mentioned. There was a clause for actual settlement and clearing, so as to give sun and air to the adjoining property. There might be some other charges which I do not recollect, but I think I have mentioned almost every thing, unless it be, that in some deeds the rents were fixed in capons, with very little money, but

nearly at the same rate in value as those above mentioned; and in some deeds the rate was lower.

34.—I am not aware of any suit having been brought by a Seignior against his *Censitaires*, to compel them to actual settlement, or clear and cultivate their lands according to the requirements of the deed of concession.

35.—I am not aware of any action having been brought against a Seignior for refusing to concede wild lands, or to compel him to concede the same.

36.—I am not aware that any action has been brought by a *habitant* against a Seignior, to compel him to concede lands in his Seignior.

37.—Since the year 1835, many *habitans* in the Parishes of St. Henry and St. Isidore de Lauzon have frequently applied, in my presence, to A. A. Parent, Esquire, Agent for the Seignior of Lauzon, to have lands conceded to them in the said Seignior, and he has constantly replied that he was not authorized to concede lands in the Seignior of Lauzon. This has happened more especially during the last two or three years, and the result is, that the *habitans* have very commonly taken possession of large portions of the unconceded lands in the Seignior of Lauzon, and say that they are ready to take deeds whenever they can obtain them.

38.—I know that the inhabitants of the Parish of St. Louis de Lotbinière, and of some other places, complained a few years ago to the Provincial Legislature, of the charges and reservations imposed upon their recently conceded lands; and I have seen and read their deeds of concession in the Journals of the Assembly, I think about six or seven years ago.

39.—I think the Seigniorial Tenure would be preferable to any other, if the conditions imposed were reduced to a reasonable amount, (as was always the case, from the beginning, until within a few years past,) instead of the present high rents, charges, clauses, and conditions, which absorb a great portion of the value of the new settlements, the people in which become indebted, notwithstanding all their care, so deeply as to be liable to be turned out upon the highway for arrears; a certain number of them have actually been so; and instances are not wanting in the inferior District of Dorchester. I can testify, that for a debt of £15 or £20, a courageous and industrious *habitant* may be turned out upon the highway,—a man who has begun to clear his land, who has met with some little accidents, and who has done his best to earn a livelihood and support his family, upon a lot of very middling quality, such as are not rare in certain localities, and yet, notwithstanding this, his land may be well worth £80 or £100; but there is nothing for it—he must pay—he owes enough; it is time to pounce upon him,—he can never pay otherwise. When can he pay? True, in my opinion, he can never get out of debt, except by selling his land; but who is the cause of this? In many cases it arises evidently from the extraordinary Seigniorial charges. He is sued, and his land will be sold for £25 or £30, in ready money, which is scarcely sufficient to pay the debt and costs, and so the matter is settled. The man and his family are reduced to beggary, and must be supported by the public; and his property is divided among the Seignior, the Lawyer, the Bailiff, and the Sheriff, and so the matter ends.

40.—I have considered this subject. I have read the abstract of the Bill which you have sent me; I have read it with pleasure; it is carefully drawn up; but it does not contain a remedy for the gangrenous disease which prevails. This disease is well known, and I think it is impossible to remedy it without cutting the knot. I mean to say, that the lands which pay

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four dollars, four dollars and a half, or four minots, or four minots and a half of wheat, at the option of the Seignior, should be free from *lods et ventes*, the loss of which would be sufficiently compensated by this annual yearly ground rent of four dollars, or four dollars and a half, only: no wheat; and let the reservations of timber be reduced to the following:—The oak timber required for building or repairing Her Majesty's ships,—the timber necessary for building or repairing churches, parsonages, grist mills, saw mills, and wind mills, the principal manor-house, and public buildings, and such as may be requisite for the Seignior's farms, with some other reservations of a like nature which might be deemed necessary. The right of *retrait conventionnel* should be allowed only in cases of fraud, or with regard to land specially required for the use of the Seignior or his family, and for their immediate settlement. As for other lands less heavily burdened, I refer to what I have said in my foregoing answer to the 21st question.

41.—I do not think that any plan can be better than that now proposed, even in point of form. As to the mode of doing justice to the parties interested, I refer to what I have already said on this subject in my answers to questions 21 and 40.

42.—As to the manner of modifying the Seigniorial Tenure as it now exists, so as to relieve the *Censitaires* without abolishing the Tenure altogether, and without injustice, it is absolutely necessary, in my opinion, to cut the knot, as mentioned in my 40th answer. I do not consider the encroachments of the Seignior as vested rights; and most assuredly the disease lies wholly there.

43.—Although I do not think that commutation has become immediately necessary, I should yet be well content that voluntary commutation should be allowed on the principles established in the Bill which you have sent me. And in this case, I see no better plan than that of letting the Seignior and the *Censitaire* appoint each an arbitrator, and that the two arbitrators so appointed should appoint a third, in case of difference of opinion, as to the terms or the rights of the parties, respectively.

44.—I had not before seen the Bill. Upon the best consideration and attention I have been able to give it, I think it extremely well drawn up in all respects; and if it became law, I think it would meet the approval of the public; I mean as to the form only.

45.—The *cens et rentes* on my land in St. Antoine de Tilly, which is an arpent and a half in front by thirty in depth, are only two *livres* thirteen *sous*, old currency, equal to 2s. 6½d., currency. On that at St. Giles de Beurivage the *cens et rentes* are 20s. currency. As to the reservations, I have already mentioned them all in my 22nd answer, except the *retrait conventionnel*, and the obligation to deliver to the Seignior every 11th fish which I may catch in front of my land at Tilly; to plant a may pole yearly jointly with my *co-Censitaires*, to carry my grain to be ground at the Seigniorial Mill, and to perform the duties of actual settlement. The land at St. Giles is subject to nearly the same charges and reservations, except that relative to the 11th fish.

46.—I think that the most equitable mode of ascertaining the value of the several Seigniorial charges, would be by arbitration, by persons appointed in the manner pointed out in my answer to the 43rd question.

47.—As to the annual dues, it will be quite easy to estimate their value; but then there are the *lods et ventes*,—how is this part of the business to be regula-

ted, except by guess? There are lands which do not produce a penny of *lods et ventes* in 100 years, while there are others in the same locality, and of the same value, which, in the same time, give the Seignior as much as they are worth, or more, in *lods et ventes*. I see nothing that can be done. It will be, in all probability, a business of a Pig in a poke. I can suggest no means by which this matter can be managed equitably.

48.—I have nothing further to add relative to the preceding questions. In answering several of the questions, I have said freely what I thought I was entitled to say, in order to convey my opinion. If I have said too much, I ask pardon.

The whole, nevertheless, humbly submitted, by

(Signed) P. LAMBERT.

No. 6.

(Translation.)

Answers of C. P. Huot, to the questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

1.—I am a proprietor *en roture* in the Seigniori of Beaupré.

2.—Since 1819 and 1830, for two building lots.

3.—I purchased my first building lot from Célestin Simard, and the second from Thomas Lee, Esquire. Simard had possessed his lot for about 3 years, and Mr. Lee his for 26 years.

4.—I have no deed of concession.

5.—I think it was Messrs. Adolphe Gagnon, and Augustin Amiot.

6.—I have a *titre-nouvel*; but the Notary before whom it was passed being deceased, I could not, without considerable trouble, obtain the copy asked for.

7.—I am in possession of it.

8.—None.

9.—The first building lot contains one arpent in superficies, and the second, half an arpent: both are in the village of St. Paul's Bay.

10.—Yes, since 1825 or 1826; and the *Censitaires* did not think they could avoid complying, without exposing themselves to costs. Mr. Louis Bernier was the Notary appointed.

11 & 12.—Not to my knowledge.

13.—I think there are seven.

14.—Yes.

15.—As Seigniorial Mills, as far as I am informed.

16.—I cannot exactly state the value of the said Mills; but I think they are worth more than £5,000.

17.—No.

18.—The Seigniors of Beaupré have never, to my knowledge, exercised the right of *retrait*. If this right were exercised, I have no doubt it would be very burdensome to the *Censitaires*, because the latter could never profit by an advantageous bargain.

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- 19.—No.
- 20.—Never, to my knowledge.
- 21.—Yes, beyond all doubt; and if all the *Censitaires* had the means of commuting with their Seigniors, they would undoubtedly do so.
- 22.—Yes.
- 23.—No.
- 24.—No.
- 25.—I have never proposed to my Seigniors to commute my Tenure; but I should have no objection to do so, more especially into free and common soccage, provided I remained under the laws and institutions under which my forefathers lived.
- 26.—No.
- 27.—Yes, beyond all doubt.
- 28.—Yes.
- 29.—I think that the mode pointed out in the Bill “for providing for the voluntary commutation of the Seigniorial Tenure in the Seigniories of Lower Canada,” is tolerably well conceived, inasmuch as in my opinion neither party would be injured, and I think that if an Act of this kind became Law it would be advantageous.
- 30.—No.
- 31.—No.
- 32.—No.
- 33.—These rates vary much. I have seen deeds of concession under which the *Censitaire* was only charged about three *deniers*, old currency; others charging one *sol*, and others again two *sols*; and the land was subjected to the right of banality and other charges.
- 34.—No.
- 35.—No.
- 36.—No.
- 37.—I have frequently heard individuals ask lands in concession, and object to the Seigniors that they had conceded the good lands of the Seigniorie at a low rate, while they exacted double or triple that rate for lands of very inferior quality and almost uncultivated. I cannot remember the names of the parties who raised the objection. The Seigniors were the gentlemen of the Seminary of Quebec; and this was in 1832 and 1833.
- 38.—Not to my knowledge.
- 39.—Yes, certainly; and in my humble opinion, the Tenure in free and common soccage would be preferable, but subject to the French system of laws.
- 40.—The method proposed in the Bill which I have already cited, would only partially remedy the inconveniences and burdens inseparable from the Seigniorial Tenure, inasmuch as a very small portion of the *Censitaires* could effect the commutation there mentioned, while the vast majority would, by their want of means, be deprived of the advantages it offers. However, for the want of better, we might try this Bill as a Law,—compelling the Seigniors and possessors of *Fiefs* or Seigniories in this Province, to grant no more lands *à titre de cens* in their *Fiefs* or Seigniories, but to

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make them in free and common soccage without any further charge than the price agreed upon, which should not in any case exceed four shillings an acre; the Seigniors being bound within two years to conform to the Act passed in the sixth year of King William the Fourth, and intituled, “An Act to provide for the extinction of Feudal and Seigniorial rights and charges on lands held *à titre de fief* or *à titre de cens* in the Province of Lower Canada, &c.” The Seigniors might, perhaps, for a determinate number of years, be allowed to enjoy the advantages which their titles give them, and a certain portion of the Crown Lands might be given them as an indemnity, (the extent to be regulated according to the revenues of each,) to be by them sold in free and common soccage, without any other charge than the price.

41.—No others, in my opinion, than those I have pointed out in my next preceding answer.

42.—I do not think the Seigniorial Tenure can ever be so modified as to be acceptable to the people in general. The only thing to be aimed at is, in my opinion, to abolish the system altogether.

43.—If all the *Censitaires* had the means of effecting a commutation of tenure, I think the appointment of arbitrators, chosen in the manner provided by the Bill, would be equitable.

44.—I am not very familiar with the provisions of this Bill, and I cannot therefore say whether it would meet the approval of the people.

45.—I am unable, for want of time, to produce the list asked for.

46.—I am of opinion that 9 per cent on the estimated value of the property, would be an equitable compensation to the Seigniors for the abandonment of all their Seigniorial rights.

47.—I only consider the rent which I pay, and the *lods*; as to the right of banality, reservations, and mill sites, &c., I consider them as very little. I have not time to enter into detail as to the scale on which I have calculated the money value of the several Seigniorial rights to which I have confined myself.

48.—I cannot, at the present moment, add any thing to the answers I have given to the several interrogatories submitted to me on this subject.

The whole humbly submitted.

(Signed) C. P. HUOT.

St. Paul's Bay, 1st June, 1843.

No. 7.

*Letter of Messire Ranvoyzé, Ste. Anne.*

(Translation.)

STE. ANNE, 2D JUNE, 1842

Sir,—I have the honor to acknowledge the receipt of the letter you addressed to me in the name of the Commissioners for inquiring into the Seigniorial Tenure, and the series of questions which accompanied it. My habitual infirmities prevent my answering them in detail. I venture to assure you in a few words, that the *Censitaires* of Ste. Anne are perfectly satisfied with the conduct of the Ecclesiastics of the Seminary of Quebec, their Seigniors, as are also the



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*Censitaires* of the other Parishes in the Seigniorship of Beauré; they all prefer the present Seigniorial Tenure, as being that best adapted to produce land holders in easy circumstances.

I may state briefly, that the mills of St. Joachim and *Petit Pré*, do not produce more than two per cent of profit, and that the mill at St. Joachim does not pay its expenses. Our *Censitaires* will not have any thing to say to the commutation of tenure, and the *titres-nouveaux* which were passed in favor of the Seminary in 1825, impose no conditions which are not contained in the deeds of concession. I conclude by assuring you that all the land holders here entertain considerable mistrust as to the proposed changes in the present tenure.

I am, with respect, Sir,  
Your very humble and obedient servant,

(Signed) J. RANVOYZÉ,  
Priest.

J. E. TURCOTTE, Esquire,  
Secretary to the Commissioners for inquiring into the Seigniorial Tenure.

## No. 8.

Answers of Germain Desgagners to the questions to him proposed by the Commissioners for inquiring into the Seigniorial Tenure.

(Translation.)

ÉBOULEMENS, 4TH JUNE, 1842.

1.—I am proprietor of two *arpens* in front by thirty in depth in the Seigniorship of the gentlemen of the Seminary of Quebec.

2.—I have been in possession for forty years.

3.—A man of the name of Louis Perron, owned it before me; and I think he owned it for forty and odd years.

5.—I have not the deed of concession nor any copy: it is in the hands of my son, Eloi des Gagners, at the *Isle aux Coudres*.

6.—I have a *titre-nouvel* assented to by me, with reference to the said land.

7.—I have not this *titre-nouvel*: it is in the hands of the said Eloi des Gagners, as stated in my fifth answer.

8.—There is no difference between the deed of concession and the *titre-nouvel* as to the quantum of *cens et rentes*, and other Seigniorial dues mentioned in the deed of concession, and they are entered in the *titre-nouvel*.

9.—I am in possession of two perches and a half of land in superficies, in the Seigniorship of the Honorable Marc Paschal de Sales Laterrière, at *les Éboulemens*.

10.—All the people of the *Île aux Coudres* voluntarily took out new titles; and it was one Bernier who was employed as the notary for that purpose.

13.—There are two Seigniorial mills in the said *Fief*.

14.—Yes, they are for the use of the *habitans*.

15.—Yes.

16.—I think one is worth £600 and the other £150.

17.—No.

18.—No.

19.—No.

20.—Tolerably often.

21.—Yes, it is an infamous right which is a grievous burden upon the *habitans*, and it is complained of daily.

22.—Yes. The said timber is reserved for the manor-house and other public buildings.

23.—No.

24.—I know nothing on the subject.

25.—I should not think the Seigniorial Tenure a bad one, if the dues were not so high.

26.—I do not know.

27.—I believe they are burdensome every where; but more so in the towns than in the country.

28.—Yes, they are constantly complained of.

29.—No. I know of no plan.

30.—No.

31.—I know of none.

32.—I do not know.

33.—In former times the Seigniors were satisfied with demanding a *sol* per acre; and now for lands which may be called wild, they demand two *sols* and a half per acre, reserving also a hare instead of a capon.

34.—No. Not to my knowledge.

35.—Same answer.

36.—No.

37.—Yes. I know that Eloi Tremblay, Athanase Tremblay and Henri Audette, demanded a grant of the land lying in front of them down to the river, and that the Seignior Mr. P. de Sales Laterrière, refused them.

38.—No, not to my knowledge.

39.—No. I know of none.

40.—Same answer.

41.—I cannot.

42.—I cannot describe any plan. But half what the Seigniors ask would be very reasonable.

43.—I think that the appointment of arbitrators in such case would be a good measure.

44.—I have seen it, but do not remember it.

45.—The Seigniors are not content with their legal rights on the land conceded. They demand also a portion of the fish which is taken in the sea; and the work of the poor *habitant* is but badly recom-

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pensed when they have to give a third or a half of the fish.

46.—I have nothing to say in reply to this question.

47.—I do not know.

48.—I am not aware of any thing which is forgotten in the foregoing questions.

(Signed) GERMAIN DESGAGNERS.

No. 9.

(Translation.)

Answers given by Mr. Kane, Notary, of St. Paul's Bay, to the Questions submitted to him by the Commissioners for Inquiring into the Seigniorial Tenure.

1.—Yes.—In the Seigniority of the gentlemen of the Seminary of Quebec, and also in the Seigniority *du Gouffre* belonging to Mesdames Drapeaux.

2.—For about four years.

3.—One Godfrey Bouchard and one Michel Penors; and they were in possession of the said lands long before me.

4.—Not at present.

5.—Mr. Huot, Notary, of St. Paul's Bay.

6.—No.

7.—I cannot.

8.—No.

9.—Four *arpens* in front by about ten in depth, lying in the Seigniority *du Gouffre*, at the place called *Cap à la Reine*. 2dly. Three *arpens* in front by about ten in depth, at the place called *la Ferme*. 3rdly. Two building lots lying in the Seigniority of the gentlemen of the Seminary of Quebec.

10.—In the year 1825, the gentlemen of the Seminary of Quebec, caused *titres-nouveaux* to be taken out by their *Censitaires* before the late Mr. Bernier, Notary, at Chateau Richer, and the people consented only because they believed themselves strictly bound to do so.

11.—I cannot answer this question.

12.—No answer.

13.—Three; two of which are in the Seigniority of the Seminary of Quebec, and the other in that of Mesdames Drapeaux.

14.—Yes.

15.—I believe they were built for the use of the inhabitants.

16.—I cannot.

17.—No.

18.—Yes.

19.—No.

20.—Very rarely to my knowledge.

21.—I consider it to be so, and every body complains of it with reason, and I do not know a single *Censitaire* who is not desirous of getting rid of it.

22.—Yes. For the use of his mills, and other buildings, &c. &c.

23.—It is a reservation which is disliked, but at the same time it does not prevent the *Censitaire* from clearing and cultivating his land according to his wish.

24.—No.

25.—No. I never applied to the Seignior for a commutation of tenure, but I have no objection to commute the Seigniorial Tenure into that of *franc-aleu roturier*. Nevertheless I should prefer the Seigniorial Tenure if placed on a fair basis, something like the following:—Abolish the right of *lods et ventes* and *banalité*, the right of *retrait* and the exorbitant right exercised by the Seigniors over the beaches, by their taking 1-10 and even 1-5 of the produce of the eel-fisheries, and more especially, as in the parish of the Isle aux Coudres, every third porpoise.

26.—No.

27.—Yes.

28.—Yes, this is generally complained of and with just cause.

29.—If it be found absolutely necessary to indemnify the Seigniors for the extinction of these rights, I think it would be better to allow them a certain sum proportionate to the value of the land at the time it was conceded, at the rate now demanded for wild lands of the Crown, granted in free and common soccage. It would be perhaps more judicious to reduce this rate to about two shillings per acre or *arpent*, as being quite sufficient to indemnify the Seignior.

30.—Not to my knowledge.

31.—Not to my knowledge.

32.—No.

33.—To my knowledge the rents stipulated in the original concessions, at the period referred to, were from twenty to forty *sols* for each *arpent* in front by the depth of the land.

34.—No.

35.—No.

36.—No.

37.—No. But I know that the bad lands now being conceded are conceded by the Seigniors at rates much higher than those at which the first concessions were made.

38.—No; not to my knowledge.

39.—See my answer to the twenty-fifth question.

40.—See my answer to the twenty-ninth question; I cannot at present suggest any other plan.

41.—I can say no more than I have said.

42.—Yes. Preserving only the annual rent which each *Censitaire* is bound to pay, and indemnifying the Seigniors for the extinction of their other rights, as I have stated in my answer to the twenty-ninth question. But let it be well understood that the *Censitaire* must have easy legal means of compelling

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the Seignior to commute with him; for, otherwise, the influence of the Seigniors, more especially in the country parts, would prevent the *Censitaires* from obtaining such commutation.

43.—No. Because, as I have just stated, the influence of the Seignior will always prevail, and will prevent the arbitrators from doing that justice which the *Censitaires* would expect from them, although they should be selected as well by the *Censitaires* as by the Seignior. And the means which I should suggest to obviate this would be to establish a fixed scale according to which the indemnity should be allowed to the Seignior on each commutation.

44.—I have seen it, and it does not meet my views nor those of the *habitans*. My objections are,—that a voluntary commutation, with regard to which the Seignior could by his influence always exercise a certain control, would never ensure the advantages which a law of this kind ought to do.

45.—1stly. To perform actual settlement duties, and reside on the land within a year and a day from the concession. 2ndly. To make the fences at his sole expense between the land conceded and any land belonging to the Seignior. 3rdly. To permit and to keep in repair for ever all such roads and bridges, as the Seignior may deem necessary. 4thly. To cause his grain to be ground at the Seignior's mill. 5thly. The reservation of all oak timber, and the right to take from off the land all timber, stone and other materials required by the Seignior. The reservation of all rivers and rivulets and mill-sites of whatever kind—the land requisite for the mill to the extent of six superficial *arpens*, and for a road thirty feet wide to go to the mill,—without the Seignior being bound to pay any indemnity, but solely to diminish the *cens et rentes* in proportion to the land taken. Also the right of establishing on the land all manner of dams, dykes, water courses or canals which the Seignior may require, and a road of thirty feet wide throughout the whole depth of the land whenever it may be found necessary by the Seignior. Also, all mines, ores, and minerals, including coal, quarries of slate, and mill-stones, with the right of *retrait*, and other charges and reservations, &c. &c.

46.—The mode which I think most equitable as far as regards the rent, would be that the *Censitaires* might offer to the Seignior the capital of the said rent at the rate of six per cent. As to the other Seigniorial rights, I refer to my answer to the twenty-ninth question.

47.—See my last answer, and that to the twenty-ninth question.

48.—Nothing more.

(Signed) J. KANE.

St. Paul's Bay, 13th June, 1842.

No. 10.

(Translation.)

ST. PAUL'S BAY, 13TH JUNE, 1842.

Answers given by Joseph Simard dit Nombrette, of St. Paul's Bay, Cultivator, jointly with Louis Cotez, and Hypolite Girard, also Cultivators, residing in the Parish of St. Urbain, to the ques-

tions submitted by the Commissioners for Inquiring into the Seigniorial Tenure.

1.—Yes. In the Seignior of the Gentlemen of the Seminary of Quebec.

2.—For a great number of years.

3.—Our fathers and others.

4.—Yes. But it is not easy for us to procure copies of them.

5.—We cannot.

6.—Yes.

7.—They will be found among the papers of the late Mr. Bernier, Notary.

8.—No. But Joseph Nombrette, one of us, had a great difficulty with the Seignior, a neighbour of the latter. His *titre-nouvel* did not agree with the deed of concession in describing the boundaries of the land, and the Seignior wished to take advantage of this, and refused to be bound by the deed of concession, wishing to force the said Nombrette to give up a certain quantity of land. This led to a law suit; but Nombrette having resisted for several years, the Seignior being afraid of being beaten, let his action drop.

9.—Several *arpens* in front, lying in the first concession.

10.—Yes. In 1828, before the late Mr. Bernier, Notary.

11.—No.

12.—No answer.

13.—Yes.

14.—Yes.

15.—Yes.

16.—We cannot.

17.—No.

18.—Yes.

19.—No.

20.—Seldom.

21.—Yes.

22.—Yes.

23.—It does not prevent the *Censitaire* from clearing his land.

24.—No.

25.—We are not opposed to the Seigniorial Tenure, but we wish that the *lods et ventes*, the right of *banalité* and of *retrait*, and other exorbitant reservations should be abolished; only the annual rent to the Seignior being retained.

26.—No.

27.—Yes.

28.—Yes.

29.—According to us, the Seignior would be more

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than sufficiently indemnified if he were allowed two shillings an acre or *arpent*.

- 30.—No.
- 31.—No.
- 32.—Not to our knowledge.
- 33.—Between 20 *sous* and 40 *sous*.
- 34.—Not to our knowledge.
- 35.—No.
- 36.—No.
- 37.—No.
- 38.—No.
- 39.—Yes. We think it would, and in the manner which we have pointed out in our 29th answer.
- 40.—As we have before said.
- 41.—See our answer to the 29th Question.
- 42.—Yes. We think it would, and in the manner pointed out in our 29th answer.
- 43.—We think that it would be attended with great difficulty to find arbitrators, and that their report might sometimes be unfair for one or the other of the parties; and the influence of the Seigneur would also be to be feared.
- 44.—Yes. We are unable ourselves to point out any objections to it. We think our answering this query may be dispensed with.
- 45.—They are, but too many for us to state them in detail here.
- 46.—We think we have stated that which agrees best with our ideas.
- 47.—Two shillings for each superficial acre or *arpent*, abolishing the *lods et ventes*, &c., except the annual rents.
- 48.—Nothing to our knowledge.

THEIR  
JOSEPH x SIMARD.  
LOUIS x COTÉ.  
HYPOLITE x GIRARD.  
MARKS.

(Signed) JOHN KANE,  
Witness

No. 11

(Translation.)

Answers given by Pierre Gagnon, of the Parish of *Isle aux Coudres*, Cultivator, to the questions proposed to him by the Commissioners for inquiring into the Seigniorial Tenure.

- 1.—Yes, in the Seigniority of the Gentlemen of the Seminary of Quebec.
- 2.—For a number of years.
- 3.—My father, and for a long period.

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- 4.—Yes; I am in possession of a deed, but I cannot procure a copy of it.
- 5.—No.
- 6.—No.
- 7.—I cannot.
- 8.—No.
- 9.—Six arpents in front by the depth of forty arpents, in the Parish of *Isle aux Coudres*, in the Seigniority of the Gentlemen of the Seminary of Quebec.
- 10.—Yes. In the year 1828, the people took out new titles before M. Bernier, the Notary; and this at the instance of the Seigniors.
- 11.—I cannot answer this question.
- 12.—I have no answer to give.
- 13.—No.
- 14.—Yes.
- 15.—Yes.
- 16.—This Mill may be worth £300.
- 17.—No.
- 18.—Yes. It is considered as very burdensome to the *Censitaires*.
- 19.—Not to my knowledge.
- 20.—Very rarely.
- 21.—I consider this right as very burdensome and injurious to the *Censitaires*; to my knowledge it is generally complained of, and all the inhabitants earnestly wish to get rid of it.
- 22.—Yes; for the use of the Mills and other dependencies.
- 23.—Yes; but it does not prevent the *Censitaires* from clearing their lands, and from making the improvements necessary for cultivating them.
- 24.—No.
- 25.—No. I should prefer the Seigniorial Tenure as it exists now; abolishing, however, the right of *lods et ventes*, *retrait*, banality, and the exorbitant right exercised by the Seigniors with regard to the beaches, by demanding one-tenth or even one-fifth of the produce of the Eel Fisheries, and every third Porpoise, which last reservation is very burdensome, on account of this heavy rent and the great quantity of wood required to carry on this fishery, which has become very unproductive in our part of the country.
- 26.—No.
- 27.—I think so.
- 28.—Yes.
- 29.—Not positively.
- 30.—Not to my knowledge.
- 31.—No.
- 32.—Not to my knowledge.
- 33.—From thirty to forty *sols*.

34.—Not to my knowledge.

35.—Not to my knowledge.

36.—No.

37.—No.

38.—Not to my knowledge.

39.—According to me, the improvement of the Seigniorial Tenure, by abolishing all the rights mentioned in my twenty-fifth answer, would tend much to promote their happiness.

40.—Not positively.

41.—No.

42.—Yes; I think so. As to the means, I cannot take upon myself to give any plan.

43.—No.

44.—I have seen it; but I cannot take upon myself to state the objections which might be made to it.

45.—I would do so with pleasure; but the matter is a difficult one, and I think the Commissioners may dispense with my answer, and that they will obtain, through some other persons of this place, the same information which I could give them upon the subject.

46.—I cannot willingly do so.

47.—I think I may dispense with answering this question, by leaving the whole to the discretion of the Commissioners.

48.—Nothing more.

(Signed) P. GAGNON.

Isle aux Coudres, 13th June, 1842.

No. 12.

(Translation.)

Answers of Amable Morin, Esquire, to the series of Questions addressed to him by the Commission of Inquiry into the Seigniorial Tenure.

1.—Yes. I am, as my wife is also, proprietor of several lands, some of which are in the *Fief St. Denis*, in the Parish of Ste. Anne, and others in the Seignior of *Grande Anse, St. Roch des Aulnets*.

2.—My wife possessed some of these lands at the time of our marriage in 1817, and I have since that time purchased other lands, more especially in 1833.

3.—Benoit Roy and Henry Morin, were in possession before my wife and myself, of the lands to which I intend to refer in my answers.

4.—Yes. I am in possession of copies of the original deeds of concession of these lands, and I send copies of them with these answers.

5.—My answer to this question is given by my answer to that next preceding it.

6, 7 & 8.—I have copies of the *titres-nouveaux* which I and those from whom I derive my title took out with regard to the said lands. I cannot for want of time procure other copies: but I may say that when we took out the said titles, we were not asked to make

any innovation in the terms of the original deeds; and if any such proposal had been made to us, we should not have consented to it. It was well understood between us and the Seigniors that these titles were taken out for the purpose of interrupting the prescription of certain conventional rights, and not to create new charges on our property, nor to diminish those to which they were before subject.

9.—1st. One of the said lands is situate in the first range of the *Fief St. Denis*, in the parish of Ste. Anne, and contains five *arpens* in front to the depth of about seven *arpens*, after which it is nineteen perches wide for the remainder of the depth, which is about forty-two *arpens* in all. 2nd. Another is in the third range of the Seignior of *Grande Anse*, in the parish of St. Roch, and contains three *arpens* and a half in front, by about forty *arpens* in depth. 3rd. Another is in the fourth range of the Seignior of *Grande Anse*, in the parish of St. Roch, and contains one *arpent* in front by forty *arpens*.

10.—Yes; the *Censitaires*, at least the greater number of them in the two Seigniories in which I have property, have within a few years past taken out new titles. It was in all cases a voluntary act. For the Seignior of *Grande Anse*, the Honorable Mr. Taché was the Notary before whom these titles were passed, and for the *Fief St. Denis*, Mr. Puize.

11.—Neither I, nor any one else, to my knowledge.

12.—The answer to this question is comprised in that to the next preceding.

13.—Yes. There is one in the *Fief St. Denis*, in the parish of Ste. Anne, and one in the Seignior of *Grande Anse*, in the parish of St. Roch.

14.—They are sufficient to grind all the grain which is carried to them to be ground.

15.—I think that at St. Roch was built more than one hundred years ago;—I do not know how long that in the *Fief St. Denis*, at St. Anne, has been built. I do not know whether they were built with any other view than that of grinding the grain which should be carried to them to be ground.

16.—I cannot say what may be the value of the mill of the *Fief St. Denis*; that of St. Roch's has been lately pulled down for the purpose of building a new one, which is to cost about £1500.

17.—Yes. I have bought in this way lands and building lots in the two Seigniories I have mentioned: but the Seigniors did not exercise the right of *retrait conventionnel*. I bought at Sheriff's sale a property in the *Fief St. Denis*, at Ste. Anne's, for just half its value. The Seignior was satisfied with the *lods et ventes* on the price I paid. I purchased property also by licitation at St. Rochs, for which I paid two-thirds more than it was worth, and I paid the *lods et ventes* on the sum for which it was adjudged to me.

18.—Yes. At least a great many persons complain of it.

19.—Yes. Some years ago a land at St. Roch's was sold at Sheriff's sale, under a judgment against one Charles Lefrançois. Mr. Archibald Campbell became the purchaser, for much less than its value. The Honorable Mr. Dionne and Mr. Ls. Juchereau Duchesnay, then co-proprietors of the Seignior of the said Parish, made him pay the *lods et ventes* on the value of the property without regard to its actual cost. The property had been sold for between £300 and £400; it was worth £500, and the *lods et ventes* were paid on the £500.

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20.—I am told that this right has been exercised two or three times in a great number of years in the Seigniorship of the Parish of Ste. Anne. I have no knowledge that it has ever been exercised at St. Roch. I remember an old man's telling me, that about forty years ago, a *Censitaire* in the Seigniorship of *Grande Anse*, in the Parish of St. Roch, had purchased a land there, and that in order that he might pay the smallest possible *lods et ventes*, he had entered in his deed but a small portion of the price he had paid: the Seignior on seeing the deed, rightly suspected fraud in the stipulation for the price, and took the land by *retrait*, paying the *Censitaire* the price mentioned in the deed. I think this is the only instance in which the *retrait* has been exercised in this Seigniorship.

21.—Except in some cases which I shall hereafter have occasion to mention, I do not think this right burdensome to the *Censitaires*, particularly on examining the laws made by the Legislators who established this privilege. It is true that it is generally complained of. I think the greater number of the *Censitaires* wish to get rid of it, as well as of other Seigniorial rights and dues; but without paying scarcely anything as a compensation for it.

22.—Yes. Among the reservations mentioned in my deeds of concession, the Seigniors have reserved the timber fit for the construction of ships of war, and for the building or repairing of the Seigniorial mills, manor house and their appurtenances.

23.—For my part I do not find it burdensome, and yet I have about 200 *arpens* of land which have remained uncleared since the settlement of the Seigniorship. The Seignior has not to my knowledge caused two pieces of timber to be taken of them. I look upon this reservation as being more a name than a charge.

24.—I have not; nor has any other person to my knowledge.

25.—I have not applied, and if I am left to do as I please, I shall not apply; and I have strong objections to a commutation with regard to my property, unless it were on the conditions which I shall explain in my answer to the 47th question.

26.—I have not; nor has any other person to my knowledge.

27.—Yes. I think that the right of exacting *lods et ventes* on each sale or mutation equivalent to sale, whether on lots in the towns or on lands in the country, is onerous, and very onerous in its nature when there are buildings on the ground which exceed the latter in value.

28.—Yes. This right is prejudicial to industry and commerce, and is generally regarded as being so.

29.—I look upon the *retrait conventionnel* and the reservation of timber mentioned in this question as mere names rather than as charges, at least when used in the way they have been by the Seigniors of the places in which I have lands. I am far from regarding the right of *banalité* as a charge, for I look upon it on the contrary as advantageous to the *Censitaires*. What makes me so regard it is this: the Seigniors in order to exercise this right, which is limited, are obliged to have good mills which they must keep in good order, they generally place in these mills able and honest millers, who for the most part serve the *Censitaires* well; whereas if this right were abolished, a strong competition would arise among the mill proprietors, a great number of whom would attend their own mills, and would not be able to keep up their establishments in consequence of the competition; poverty would follow

and would bring dishonesty, which is usually its attendant. Instead of having one good and honest miller in each parish, (whom the Seignior can very easily replace if he be guilty of any improper conduct,) as we have under the present system, we should have a great number of poor, petty proprietors of mills, sometimes not even honest; and we should have only our unfortunate Courts of Justice (worse as they now stand by far than the worst the Seigniors could have established) to remedy our complaints, whereas under the present system the millers are changed by the Seignior without any expense to the *Censitaires*. As for the *lods et ventes*, I think that it would be right to extinguish at once and without any compensation, all *lods et ventes* or that part of the price paid which should be considered as being the price of the buildings or other considerable improvements made on building lots, whether in the towns or in the country, more especially when the value of such improvements should exceed that of the ground on which they have been made, and to leave only the *lods et ventes* on that portion of the price of a building lot which could be considered as the price for which the ground itself would sell for without the buildings or other improvements. I will say further, that thus to extinguish the *lods et ventes* on the price of the buildings and other improvements made on the building lots, would be more just and equitable than to leave to the Seignior the right of exacting them or to remunerate him for their value; as for instance in cases like the following: Peter buys two *arpens* square of land for £100; he builds an hotel on it, in the construction of which he uses marble from Italy, timber from Brazil, iron nails and paint from England, and silver from Peru. He sells his ground with the hotel he has built upon it for £6000, and the Seignior demands and has a right to demand from the purchaser the *lods et ventes* at the rate of one-twelfth of this sum of £6000, that is to say, £500, or four times more than the ground is worth. There is not a shadow of justice in this; whereas, if the Seigniors were only allowed the *lods et ventes* on what the ground would have sold for without the hotel, it might be said that there was some appearance of justice; more especially as in this case nearly the same rule would be observed as in the case of a purchaser forced to abandon property acquired by him, to parties having hypothecs upon it, created by former proprietors; for in such case is not the purchaser allowed the value of his improvements, and the creditors only the price for which the property would sell without the improvements made by the purchaser? Why then should not the Seignior as a creditor for Seigniorial dues be treated in the same manner as the creditors whose rights are founded on other titles?

30, 31 & 32.—In the two Seigniorships in which I have property, no such case as any of those mentioned in these three questions has occurred to my knowledge.

33.—I have not in my possession any deed of concession anterior to the year 1712, and I have only one deed of that date. I have already sent the Commissioners a copy of it as attorney for the Hon. Mr. Dionne, Seignior of the Seigniorship of *Grande Anse* in the Parish of St. Roch. I see by an old *Papier Censier* of the last named Seigniorship, that the earliest concessions of land there were made at the rate of thirty *sols* of rent and one *sol* of *cens*, (*tournois* currency) for each *arpent* in front by forty-two *arpents* in depth. I cannot say what were the other charges in these ancient concessions, the titles cannot be found; and the tradition is that the troops of His Britannic Majesty when they seized the country in 1759, burnt and destroyed all the buildings of the *Censitaires* in these Seigniorships, and relieved them of their titles and papers at the same time.

34.—I have no knowledge of any suit of this kind,

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38.—I have no other knowledge on this subject than what is derived from the complaints formerly brought before the House of Assembly.

39.—It is very far from being my opinion, that a change of tenure would improve the condition of the inhabitants, or would increase the prosperity of the country in general. As to the *habitans*, however little they might have to pay to the Seigniors and the Government as a compensation for the Seigniorial rights, it would occasion the ruin of a great many of them, and the condition of others would be rendered worse than it now is; for the commutation, however low it might be fixed, would press more heavily upon them than the Seigniorial rights do now.

And as regards the country, I must say, that my opinion is that any change which could be introduced by which the alienation of property should be rendered more easy than it now is, would tend to diminish the number of proprietors and to cause the loss of the country to the parent state; for in countries situate as ours is, near a boundary so easily crossed, it is important that all the subjects of the state capable of bearing arms should be proprietors, or the sons of proprietors, interested in the defence of the country. What makes me think thus is, that during the last war with the United States, the Colonels commanding the battalions of Sedentary Militia, recommended to their subordinate officers to pick out the sons of proprietors in preference for the Incorporated Militia; that in consequence of these recommendations the greater part of the Incorporated Militia was composed of proprietors or the sons of proprietors interested in the defence of the country, and of its usages; and the event proved what could be done with such a Militia. Whereas if the greater number of the subjects were mere labourers on the lands of others (as in England for example) what interest could they have in defending the country against an invading army? Would it not be their interest to allow them to conquer it, in the hope of obtaining in the scramble a portion of the soil? What could be hoped from such defenders? If we are to try here the same tenure which prevails in the British Isles, we must make out present *Censitaires*, after having rid them of the Seigniorial Tenure, as happy as the same classes are in England, Scotland or Ireland. The value of this attempt will be known too late. I am convinced that our Seigniorial Tenure with our French laws which are so much criticised by those who do not understand them, are adapted for rendering all the subjects of the state landed proprietors, and for enabling them to remain so. It is this conviction which makes me love the Seigniorial Tenure and our French laws, and renders me afraid of all tenures and laws which tend to make one proprietor to sixty thousand mere inhabitants, and by a necessary consequence to render the condition of three-fourths of the latter harder than the hardest slavery.

40.—Yes. I have considered this subject with all the attention in my power; and the more I consider it, the more convinced I become that any change of the Seigniorial Tenure for a tenure such as I have mentioned in my next preceding answer, by obliging the *Censitaires* to indemnify the Seigniors and the Government for the loss of the Seigniorial rights, would not only have the effect of ridding them of the difficulties and inconveniences of the Seigniorial Tenure, but would rid them also (or to speak more seriously would deprive them) of their lands also.

The plan which I humbly submit, shall be stated after having observed that the lands in Upper Canada are held in free and common soccage, that the proceeds of the sale of them went into the Treasury of that Province, and were expended I know not how, together with sums forming its pretty little debt of £1,500,000, which it brought us as a dowry. Here, in Lower Canada, our Seigniorial lands have never been sold by the Government, not the real effect of the Bill (mentioned in the forty-fourth question) to provide for the voluntary commutation of the Seigniorial Tenure, be to cause the Government to make a sort of sale of the lands held *en Seigneurie*, the proceeds of which are to fall into the Provincial Treasury, and consequently become partly the property of Upper Canada, which has already spent the proceeds of the sales of its lands, and also the enormous sums which form the debt it has brought us as a dowry? This Bill, doubtless, originated in Upper Canada; where is then the justice of that portion of the Province? It would have been quite as well, and more intelligible to say to us frankly:—"We have been prodigals, we have sold our lands and spent the price, we are not able to pay our debts, and we are hungry;—come and pay our debts and sell your lands to enable us to live." If these are not the words used they are what the proceedings mean. I shall say then, after having made the foregoing remarks, that justice as well towards the people of Lower Canada as towards the *Censitaires* demands, that if the tenure is to be commuted, the Seigniors ought to be indemnified out of the Treasury of the United Province, this would give us the advantage of bringing to the Union a dowry equivalent to that we received when we were united to Upper Canada.

41.—I cannot in answer to this question point out any other plan than that I have mentioned in my answer to the 40th question.

42.—Yes; I think it is possible to modify the Seigniorial Tenure and to relieve the *Censitaires* by following the plan pointed out in my answer to the 29th question, in doing which no injustice would be committed towards the Seignior, who would receive the *lods et ventes* on the value of the *emplacements* holden of him, and not on that of the iron, timber, glass, painting and work which the *Censitaire* had placed upon the ground.

43.—I am of opinion that a commutation of tenure at the expense of the Public Treasury of the United Province, (in order to render justice to the Lower Canadians, and to place them on a footing of equality with the Upper Canadians) would be agreeable to the general wish of the *Censitaires* of Lower Canada.

44.—Yes, I have seen the said Bill. I cannot in reply to this question say any thing more than I have said in my answer to the 40th question.

45.—Since the year 1817, when I first became the owner of the lands mentioned in the first and second place in my answer to the ninth question, the Seigniors of whom they are held have never asked any thing more from me, viz: for the first, one *sol* yearly for each forty-two arpents in superficies; for that mentioned in the second place 3s. 9d. for each 40 arpents, also yearly; and since 1833, for that mentioned in the same answer 3s. 9d. yearly, and then I have the advantage of having my grain ground and bolted at their good Seigniorial mills for one fourteenth of the grain ground.

46.—If the Seigniorial rights are to be purchased, the fairest way would appear to me to be, to cause them to be valued by *experts* named by the parties interested.

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47.—In answer to this, I shall say that I have paid for the *cens et rentes* of the land mentioned in the first place in my answer to the ninth question, only two *sols* and a half yearly, I should have to pay for the commutation of these *cens et rentes* only the sum of forty *sols*, being the capital which would produce an interest equal to the said *cens et rentes*, and for my other property I should offer the same rate, viz: a sum sufficient to produce as interest the amount of the said *cens et rentes*, as to the right of *lods et ventes*. As I have no intention to sell my property, I should not like to offer twenty shillings to clear it of this right. I am, as I have before said, far from regarding the right of *banalité* as a charge, any more than the other rights reserved in the deeds of concession of my lands. I consider them as mere names rather than as charges.

48.—I will add to what I have already said, that for the welfare of Her Majesty's subjects in this part of the Province, it is to be wished that instead of extinguishing the Seigniorial Tenure, the number of Seigniories should be increased; and that the Crown should dispose of its waste lands rather in the shape of Seigniories than in any other, (provided the amount of the *cens et rentes* should not exceed those fixed by the Seigniors and the *Censitaires* of the old Seigniories) to the end that Her Majesty's subjects, the poor as well as the rich, might have the means of settling and becoming land holders. For, under the system adopted of late years for the disposal of the said lands, none but capitalists and traders can procure or occupy these lands, and they leave them wild and make no settlement on them.

These are the views I take on the subjects mentioned in the Questions you have done me the honor to transmit to me.

(Signed) AMABLE MORIN.

St. Roch, 15th June, 1842.

No. 13.

*Letter from Messrs. Massue & Langevin, Quebec.*

*Remarks on the Bill transmitted by the Secretary to the Commission of Inquiry on the Seigniorial Tenure, with his circular letter of the 18th May, 1842.*

(Translation.)

The undersigned respectfully submit, as their opinion, that in order to attain the end proposed, the said Bill ought, in the first place, and necessarily, to establish the conditions of the commutation of tenure by a fixed valuation of the Seigniorial rights, applicable to each case, and to be based upon *data*, to be obtained from the Seigniors and the most respectable *Censitaires* best versed in such matters; such valuation to be subject to be thereafter revised and modified by competent authority, if it be deemed requisite that it should be so.

The Bill ought then to enact, that the *Censitaires*, when they should require it, should have the right of demanding a commutation of tenure on the conditions established by the law, and should make provisions for compelling Seigniors to grant such commutation, and there should be annexed to it a form of action and of the deed which should be granted to each *Censitaire* upon the commutation.

The Bill ought also to oblige the Seignior to give security for the payment of the *quint* to the party to whom it might be due.

No indemnity should be granted to the Seignior for rights manifestly acquired by him or his predecessors by collusion or by any illegal means, either from the *Censitaires* or from those from whom he derives his title.

It should be enacted, that after the passing of the Act, or after a period to be fixed in it, no land should be granted by any Seignior to be held by the old tenure, but all lands remaining unconceded should be granted by such Seignior to be held by the new tenure; and further, that the price of such lands (which ought to be very moderate) should not be fixed at the pleasure of the Seignior, but by the Legislature, which should also regulate the time and mode of payment, and give a form for the deeds to be granted by the Seigniors, and should also determine what portion of the price so fixed should be paid by the Seignior (whose condition would be otherwise greatly ameliorated) into the public chest, as an equivalent for the right of *quint*.

The *lods et ventes* on each future mutation of the property which should, by the wish of the possessors, remain under the Seigniorial Tenure, ought only to be exigible on the value of such property at the time of the passing of the Act in question, and not on that of the improvements which might be subsequently made.

The undersigned would prefer the tenure of *franc-aleu* to that of free and common soccage; but as the Townships in which this latter tenure is and doubtless will be established, comprise seven-tenths of all the lands in Canada East, and the whole of those in Canada West. It appears to them more advantageous to adopt a system which should tend to unite the whole, at some future period, under the same tenure.

Respectfully submitted.

(Signed) L. MASSUE,  
JEAN LANGEVIN.

Quebec, 17th June, 1842.

No. 14.

*Answers of the Honorable Amable Dionne, Seignior of the Fiefs and Seigniories of Ste. Anne de la Pocatière, St. Roch des Aulnets and St. Denis, to the Questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.—Accompanied with Schedules.*

(Translation.)

KAMOURASKA, 20TH JUNE, 1842.

1.—I am proprietor and in possession of the Seignior of Ste. Anne de la Pocatière, of that of St. Roch, *Grande Anse*, and of the *Fief* St. Denis, included in the parish of Ste. Anne; these three Seigniories are situate in the District of Quebec.

2.—I have been in possession of Ste. Anne de la Pocatière and of the *Fief* St. Denis, as follows, viz: 1st. Of one-half of la Pocatière, and of the *Fief* St. Denis since the 2nd January, 1830, by purchase from John Gow Smith, Esquire. 2nd. Of one-fourth of the said Seignior, and of the *Fief* St. Denis, since the 10th July, 1830, by purchase from John Fraser, Esquire. 3rd. Of one-eighth of the said Seignior and of the *Fief* St. Denis since the 1st October, 1832, by purchase from Joseph Ouellette. 4th. Of one-eighth of the said Seignior, since the 22d September, 1835, by purchase at Sheriff's sale. 5th. And lastly, Of one-eighth of the said *Fief* St. Denis, by purchase from T. C.

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Aylwin, Esquire, on the 26th August, 1837.—I have been in possession of one-half of the Seigniorie of St. Roch *des Aulnets* since the 2d October, 1833, by purchase from Charles, Elzéar and Narcisse Duchesnay, Esquires, and A. B. Gury, Esquire; and of the other half since the 17th July, 1837, by purchase at Sheriff's sale.

3.—My next preceding answer shows the names of the persons who possessed the said *Fiefs* and Seigniories before me. I cannot say how long they were in possession of them; but, except Mr. Smith, the possession of all of them was very short.

4.—There is no *arrière-fief* in the Seigniories which I possess. I am not in possession of the original grants of the said Seigniories, except that of La Pocatière, which I transmit. The date of this grant is the 29th October, 1762; that of the *Fief* St. Denis, 5th July, 1677; for St. Roch's, it will be necessary to obtain the grant from the public archives: the person from whom I purchased have not yet delivered them to me; but the date of the grant of the said Seigniorie is 1st April, 1656.

5.—I have answered this question by my answer to the next preceding one.

6.—I have rendered fealty and homage for the Seigniorie of La Pocatière and the *Fief* St. Denis, except for the eighth purchased from Mr. Aylwin, in the said *Fief*, of which I was not then in possession. I transmit to the Commission a copy of the Act of fealty and homage, and of that rendered by Mr. Smith. I have not yet performed fealty and homage for the Seigniorie of St. Roch, and I cannot say whether my predecessor did so.

7.—I have not in my possession any of the papers mentioned in this question.

8.—No. I can give no information on this subject.

9.—I am in possession of the *papier-terrier* of La Pocatière and of the *Fief* St. Denis, but not of that of St. Roch, which was only begun by Mr. Taché, at the instance of Mr. Duchesnay, on or about the 13th November, 1821. I shall be always ready to lay before the Commission any documents in my possession.

10.—I never saw the *Censive* for Ste. Anne de la Pocatière, nor for the *Fief* St. Denis: I shall always be ready to lay that for St. Roch before the Commissioners.

11.—I have not in my possession any of the deeds mentioned in this question, and I cannot say whether any of them are in existence.

12.—I think the *Censitaires* must have them; or if not all, at least some of them.

13.—In the first range or concession of La Pocatière and the *Fief* St. Denis, the highest rents are 1s. 3½d. currency, for each *arpent* of front by forty two *arpens* in depth; and a great part of these lands more especially in the *Fief* St. Denis, only pay one *sol* for each *arpent* of front by forty two *arpens* in depth. In the second concession or range, the rates are nearly the same. In the third concession or range the rates are 1s. 8½d. currency, and 2s. 6½d. currency; and in the fourth range of St. Denis also. There are some concessions at 1s. 5½d. currency, but very few. La Pocatière and the *Fief* St. Denis do not altogether give more than £40 currency of *cens et rentes* yearly. The lands which pay the highest rates were conceded long after those which pay less, at a time when they were in much greater demand, and when the value of

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money was not the same, and the population more numerous. I transmit to the Commissioners four copies of *titres-nouveaux* in my possession, in order to enable them to become acquainted with the several rates of *cens et rentes* and other charges. In St. Roch, the first concession or range pays 1s. 3½d. (french measure and *denier parisien*) for 42 superficial *arpens*. After 1750, the concessions were made at 41 *sols* for 42 superficial *arpens*; those made in 1765, at the rate of sixty one *sols tournois*, and those made after 1780, at four *francs tournois*, and one *sol* of *cens* for forty *arpens*. Since that time the rates and other charges have not varied, and have always continued nearly the same.

14.—There are three ranges in La Pocatière and four in the *Fief* St. Denis, each 42 *arpens* in depth. The whole is conceded and under culture, except in the fourth range of St. Denis, in which the lands tho' they have long been conceded are not all under culture, and are kept for wood-lands. I have not visited these lands and can say nothing as to the quality of the soil. There are four ranges in St. Roch's, all conceded: the two first are almost in every place forty-two *arpens* deep, and the two others forty *arpens*. There is a small gore remaining above the fourth range, part of which still remains to be conceded. The two first ranges, about one half of the third, and a small portion, amounting to about one thirtieth of the fourth, are under culture; on the rest of the Seigniorie the timber is either standing or is nearly felled. The lands are hilly, crossed by chains of mountains and sandy. At least three-fourths of these lands are capable of being cultivated, and will be so in a short time. There are about 50 families, a great portion of whom have either merely building lots or are without land.

15.—*Titres-nouveaux* have been passed in favor of those from whom I derive my title, in the three Seigniories which I possess. I have part of these titles in my possession, of which I transmit four copies for La Pocatière and St. Denis, and my agent for St. Roch, will also fyle several.

16.—I cannot say where those are which are not in my possession: I think part of them have been mislead.

17.—The deeds for the Seigniorie of St. Roch, were passed before the Honorable J. B. Taché, and those for Ste. Anne and St. Denis, before Mr. Rémi Puize, Notary.

18.—I have never had occasion to compare or to cause to be compared, one of the original grants with the *titres-nouveaux*; but I have reason to believe that they agree with each other, for no one has complained of any difference, and I do not think that any exists in La Pocatière or St. Denis. And my agent at St. Roch has compared some of the original grants with the *titres-nouveaux* and he has not discovered any difference; except that some of the *Censitaires* have agreed to pay in money for some days of *corvée* and some capons, with which their lands were charged in the original deeds.

19.—With all possible desire to comply with the wish of the Commissioners, it is impossible for me to do so, because I have not in my possession any of the original grants in La Pocatière or St. Denis; but my agent for St. Roch will comply with their request.

20.—One in St. Roch, one in the *Fief* St. Denis, and one in Ste. Anne de la Pocatière.

21.—I entirely re-built the mill of Ste. Anne de la Pocatière, at the cost of £1266 11s. 10. I also re-built that in the *Fief* St. Denis, at the cost of

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£521 14s. 5d. That at St. Roch is to be re-built, and is now commenced. I estimate that the mill and the dam, which was carried away by the ice in April last, will cost at least £1500. The average annual income from the two mills of La Pocatière and the *Fief* St. Denis, during the last ten years has been £275; and that of the mill at St. Roch's, on the average of the last 8 years, has been £399 14s. 6d. not including the third which belongs to the millers. Before the year 1836, it was let for 850 minots of wheat; since that time it has been let on shares.

22.—La Pocatière and the *Fief* St. Denis together have given on an average £70 15s. 8d. not including what remains due, nor the costs of agency; and St. Roch's has given (including £82, being the indemnity on two properties sold to parties holding in *mortmain*) £215 10s.

23.—La Pocatière and the *Fief* St. Denis together have given on the average £36 4s. 5d., the arrears are about £3 15s. 7d. per annum, for the same time, costs of agency included. St. Roch has given £122 11s. 3d. in money, and 31 minots of wheat, which at 5s. are worth £7 15s. 0d., and six days and a half of *corvée*, equal at 1s. 3d. to 8s. 1½d., making in the whole the sum of £130 14s. 4½d. There are very small arrears of *cens et rentes*.

24.—The *retrait* has not been exercised in the *Fief* St. Denis since I have been in possession of it, but it has been used three times in the la Pocatière since it has been in my possession. The first time against one Jean Bte. Pinet by order of the Court in a case of fraud clearly established; and I returned the property to his mother making her a present of the £100 allowed me for the fruits and proceeds during the action, and allowing her ten years delay to pay my costs. On the second occasion the *retrait* was voluntarily exercised in favor of the college of St. Anne's on a small lot of ground without any building on it. I think the price was £8. The third *retrait* was also for a small piece of ground near the church, and was made in favor of the *Curé*, for £3 currency; this land also had no buildings on it. In this two last cases the *retrait* was exercised to prevent the erection of buildings too close to the church and to the college. In the last mentioned instance it was voluntary. I am not aware that my predecessors ever exercised the right. At St. Roch it has not been exercised within the memory of man.

25.—A change of tenure has never been asked of me by any person in any of my Seigniories, and I do not think that any application of the kind was ever made to any of my predecessors.

26 & 27.—When I took possession of my Seigniories, there was no more land to be conceded, except in a small portion of St. Roch: such a demand could never have been made to me, nor do I think that such an application was ever made to any of my predecessors. The lands which remain unconceded in St. Roch have never been asked for.

28.—I have no such ancient titles or old *terriers* in my possession. But the *quantum* of *cens et rentes* for each *arpent* of front by forty-two *arpens* in depth, is one *sol*, 1s 3½d, 1s 6d, 1s 8½d, and 2s 6½d. As to the other charges and dues, there are no others in Ste. Anne, except the conventional *retrait*, the right of *banalité*, the reservation of such timber as is reserved by the Crown, and of stones and minerals, and the tenth of the fish producing oil, for St. Denis only. I find no other charges. For the rest, I transmit to the Commission one of the deeds in each case in which

there is a difference in the rate of *cens et rentes*; and as to the other charges, they are the same in all the deeds. With regard to the Seignior of St. Roch, I refer to my answer to the thirteenth question.

29.—I have no knowledge relative to the matters mentioned in this question.

30.—I have no knowledge relative to the matters mentioned in this question.

31.—I know of only one action of this nature, it was brought by my miller to whom I had transferred the right of *banalité* for the mill of La Pocatière. I do not know whether the action was founded on the law, or on the agreement mentioned in the deed of concession. The action was brought by Joseph Benoni Aubert, miller, against Jean Bpte. Ouellet, on the allegation that the said Ouellet had carried his grain to be ground elsewhere.—The case was dismissed for want of sufficient proof.—The suit was brought in the Inferior Term at Quebec, and decided at the Circuit Court of Kamouraska.

32.—No such action was ever brought against me, nor against my predecessors to my knowledge.

33.—No such action was ever brought against me, nor against my predecessors to my knowledge.

34.—I have never conceded any lands.

35.—I have never heard that any of my predecessors had given any such refusal to concede lands. As for myself I could never have done so, having never had any lands to concede except the very small quantity before mentioned.

36.—I have no knowledge of any thing of the kind.

37.—I have no knowledge of any thing of the kind.

38.—I know nothing of this.

39.—I have never imagined any plan of voluntary commutation of the Seigniorial Tenure, nor conferred with any other Seignior on the subject. I have never consulted any person on the subject nor reflected seriously upon it.

40.—I have seen in the newspapers that the Seigniors of the District of Montreal have had meetings on this subject. I was once invited to attend one of these meetings; but I did not go, and consequently I do not know what passed; nor have I seen any written report of the proceedings at any such meeting.

41.—Yes. I have seen the Bill in question. If the commutation is voluntary it will not be dangerous for the *Censitaires*, and it will only be in very rare cases that it will be asked for; that is to say, with regard to lands on which there are mill-sites. I am a *Censitaire* in the Seignior of Kamouraska. I have in that Seignior seven *arpens* of land in front by forty two *arpens* in depth, among the best lands in the Seignior and near the church. For the whole of this land I pay only three shillings and two pence currency of *cens et rentes* yearly; and no matter at what rate the commutation may be fixed, it is very certain that I shall never commute, unless I am compelled. Nor would I do so if the *cens et rentes* I pay were ten shillings per *arpent*. In confirmation of my opinion on this matter, I have a fact before my eyes. The Seignior of Kamouraska had conceded more lands than his title gave him; and by an arrangement with the Crown, and to prevent the *Censitaires* being troubled by the latter, Madame Taché, who had the usufructuary possession of the

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Seignior bought all the lands so encroached upon, on condition that she should allow a voluntary commutation. Well! Although the rents were the highest in the Seignior, one individual only commuted, and this because there was a mill-site on his land: and although the commutation money was only two shillings and six pence an *arpent*, the man was ruined and had to place himself in the hands of the Commissioner of Bankrupts, and his mill was seized by the Sheriff. There can be no doubt that a forced commutation would ruin one half of our cultivators; but if it were voluntary, it would be injurious to the Seigniors in almost every case.

42.—As the Bill does not fix any rate of commutation, it is difficult to give any opinion as to whether justice is done to the parties interested, without knowing whether the Seigniors will be sufficiently indemnified. But as to the *Censitaires*, if the law makes the commutation on their part voluntary, they cannot be hurt.

43.—I had already seen the Bill before the present occasion.

44.—The deeds which I transmit to the Commissioners will enable them to judge whether I am legally entitled to the several Seigniorial rights and dues therein mentioned.

45.—I have but an indefinite idea of what ought to be done with regard to the proposed changes. I gave my vote upon the Ordinance of the Special Council which gives the *Censitaires* in the Seigniorics of the Gentlemen of the Montreal Seminary, the right of commuting the tenure of the lands held *en roture* in the said Seigniorics. I thought then, and I think still, that the rates of commutation in the towns and villages is much too high, while the rates in the country parts are much too low, because in the towns and villages the buildings form the greater part of the value of the property, while in the country parts the buildings are but little thought of, the value of the land itself being the thing considered. The Gentlemen of the Seminary are most certainly

too highly compensated for the property in the towns and villages, and not sufficiently so for those in the country parts. Most certainly, if the Seigniors in the country parts were not compensated at a higher rate they would lose heavily, if the *Censitaires* were inclined to commute, which I do not believe they would be, for notwithstanding the low rates established for the country parts in the Island of Montreal, I am not aware that a single person has commuted.

46.—The Seignior of *La Pocatière* and the *Fief St. Denis*, have cost me, including the rebuilding of the mills and the *quint*, £8102 13s. 10d. That of *St. Roch*, including the *quint* and the probable cost of the mill, will have cost me £10,641 5s. The Commissioners may themselves fix the rate upon these *data*, for the parties interested are but little capable of so doing in an equitable manner; they would always think themselves losers. As for me, if the interest of the capital I have expended were paid to me, I should be better off than I am now. But the prospects for the future ought to be taken into account.

47.—Having the most perfect confidence in the information, integrity and impartiality of the gentlemen who compose the Commission, I should think I wronged them in taking upon myself to give them advice which they do not want to guide them in their difficult task, convinced as I am that the result of their labours will do no injustice to any party. But I think it my duty to remark that the hypothecary creditors who have acted under the protection of the existing laws, as knowing that the Seigniors were *Baillieurs de Fonds* for the very moderate Seigniorial rents, might be ruined if by the proposed changes the Seigniors were made *Baillieurs de fonds* for a larger amount than the *cens et rentes* stipulated in the original grants. In the lower parishes three fourths of the lands are hypothecated for their value. For my share I have hypothecs to the amount of £17,000 on lands in *Kamouraska*, and there are many others who have hypothecs also. We are not afraid of the hypothecs of the Seigniors as they stand when our claims were created.

(Signed) A. DIONNE.

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21.	What amount of arrears of <i>Lods et ventes</i> now due.	22.	Annual average amount of <i>cens et ventes</i> received during the last ten years.	23.	What amount of arrears of <i>cens et ventes</i> now due.	24.	Annual average value of other sources of revenue, if any for the last ten years, and state the nature of such resources.	25.	Number of Mills, ( <i>moulin</i> <i>banauz</i> .)	26.	Their value.	27.	Annual average value of the <i>moutures</i> for the last ten years.	28.	State the number of times each year for the last ten years the <i>droit de retrait conven- tionnel</i> has been exercised.	29.	State the value and extent of the property re-built, whether the value of land, and of buildings, and sum paid on such redemption.	30.	Give the names of the Seigniors who have commuted, and the Seigniori or <i>Fief</i> commuted.	31.	Describe the nature and terms of such commutation.
	I have already answered this.		I have already answered this.		I have already answered this.		I cannot make this valuation, being a party interested.		I have already answered this.		I have already answered this.		Already answered.		Already answered.		Already answered.		Already answered.		Already answered.
32.	Have any <i>Censitaires</i> applied for state commutation; to whom; how many; and when?	33.	If granted, when, if not, why?	34.	Have any inhabitants applied for concessions of wood-lands, upon the terms and conditions used and current previous and up to the year 1711.	35.	If such applications have been granted, say when, and the name of the Notary that passed the deed. If not, state why?	36.	Can you, from any titles or other documents, state what were the <i>cens</i> and other charges and burthens affixed to grants and concessions previous and up to the year 1711.	37.	Be pleased to give a statement of the several <i>Censitaires</i> charges and annuities which you are entitled to claim from your <i>Censitaires</i> , under the terms of the original grant of your <i>Fief</i> or Seigniori?	38.	Would you be willing to commute with your <i>Censitaires</i> for the redemption and extinction of the said <i>Censitaires</i> , under the charges and annuities, if the commutation thereof were recommended? Be pleased to make a distinct proposition with regard to each of them.	39.	What would you propose as the basis for estimating the value in money of each of the said <i>Censitaires</i> charges and annuities, if the commutation thereof were recommended? Be pleased to make a distinct proposition with regard to each of them.						
	Already answered.		Already answered.		I know nothing of this.		I know nothing of this.		I cannot.		The deeds which I transmit to the Commissioners will furnish them with this information.		On this footing I do not think the Seigniors could complain; but in doing justice to them you would do great injury to the <i>Censitaires</i> .		I should like to be able to answer this question, but it would be necessary to be perfectly disinterested in order to form a correct opinion on a matter of so great importance; the amount of capital invested in Seignories would serve as a guide to the Commissioners. I shall always be ready to prove what my Seignories have cost me.						

KAMOURASKA, 20TH JUNE, 1842.  
(Signed) A. DIONNE.

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No. 15.

*Answers of Simon Fraser, St. Jean, Port Joli.*

(Translation.)

ST. JEAN, PORT JOLI, 20TH JUNE, 1842.

I approve and willingly concur in the report made by my friend Mr. Morin, Notary, of St. Roch *des Aulnets*, in the county of Pislet, in the district of Quebec, and dated 15th June, instant; which report contains 48 answers to the series of questions proposed to us by the Commissioners of Inquiry on the Seigniorial Tenure, in the late province of Lower Canada. On the whole, the said report appears to me well conceived, and entirely meets my ideas and opinions as to all the questions submitted for my consideration, the Seigniors referred to in that report lying next to Port Joli and *la Pocatière*, in the parish of St. Jean Port Joli, where I have resided since the year 1804, inclusively, and with which two Seigniories I have had occasion to become thoroughly acquainted, as well in my capacity of Notary as in that of agent for the said Seigniories since 1819, without interruption, and in which two Seigniories there are established very nearly the same charges, reservations and *servitudes* as are mentioned in the report aforesaid. I have, however, certain remarks to make which I shall hereafter mention. I shall answer the questions which relate to myself personally, but shall be silent with regard to Mr. Morin's answers; I mean with regard to those to which I assent, and which are of a general nature. My opinion is not in any way dictated by personal interest, but entirely by my wish to render service to the *Censitaires*, by promoting their interest and by procuring for them if possible a better and more prosperous position for the future, by changing or commuting their present Seigniorial tenure; but I think I see that the commutation proposed will offer them few or no advantages, on account of their poverty and want of means to commute, or free themselves from Seigniorial burdens, and would therefore have the evil effect mentioned in the report aforesaid. I am led to believe that the proposed commutation will produce results ruinous to the *Censitaires* for the following reasons: in order to free themselves from Seigniorial burdens, they will have to pay to the several Seigniors and to the Government, large sums which are beyond their means; because they are already considerably indebted to the Seignior, the Merchants, and to each other:—this state of things has been produced by a long series of bad crops; the agricultural produce and other effects which they have to dispose of, do not sell for more than half the usual prices, so that trade has fallen into a ruinous state, and the *habitans* have no means of meeting the claims upon them, and additional new charges laid on them would assuredly have the effect of bringing a great number of them to certain ruin: though the greater number of them could still manage while paying only a moderate annual rent, as they do in the Seigniories aforesaid, and others in their neighbourhood. And this opinion is partaken by and receives the approbation of the most sagacious and best informed persons, whom I have had occasion to consult on the subjects above mentioned.

My answers follow:—

1.—I am proprietor of four lots of land, in the said Seigniorie of St. Jean Port Joli.

3.—Vadebonœur, Pierre Duval, Amable Charron, and Pierre Miville Dechène, were in possession, and proprietors of the said lots of land before me.

7.—I am in possession of divers copies of *titres-nou-*

*vels* in this Seigniorie, two of which will be transmitted with the present report. No changes in the charges mentioned in the old titles was either made or sought to be made.

10.—The *Censitaires* of the Seigniories of Port Joli and La Pocatière took out new titles from the Seigniors in 1822 and 1823, by deeds passed before me and conformable to the ancient titles.13.—There are two mills in the two Seigniories, which are sufficient to grind the grain of the *Censitaires*, one was built a long while ago, and the other in 1818.

16.—The present value of the said two mills, may be from £1500 to £1600.

19.—To my knowledge the right of *retrait* has only been once exercised in the said Seigniorie, since 1804.

33.—I have no old deeds of concession in my possession.

The rates of the Seigniorial rents in the Seigniories of Port Joli and La Pocatière, are not all alike. The ancient concessions were made at a very low rate. For example, the first concession in the Seigniorie of Port Joli, was made by the late Mr. N. Langlois, Sieur de Traversy, to Joseph Caron, in 1686, at an annual and perpetual rent of 5s. 4d. a year, for eight *arpens* in front by a league in depth, by deed before the late Mr. Vachon, Notary, with the other charges and reservations stipulated in the two *titres-nouveaux* which accompany this report. The rates at which other concessions were made have gradually increased: the latest concessions were made in my time, by deeds passed before me, the last in 1841; and I certify upon my honor, that the highest Seigniorial rents in the said two Seigniories do not exceed 2s. 6½d. of Seigniorial rent, for each *arpent* of front by half a league in depth: while the greater part of the lands pay only 1s. 3d., 1s. 8d. and 1s. 11d. for each *arpent* in front by forty two in depth. I think I have answered all the other questions, by referring for my answers to those of Mr. Morin, in which I concur.

(Signed) SIM. FRASER.

No. 16.

*Answers of Jean Baptiste Tremblay, to the Questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

ST. PAUL'S BAY, 21ST JUNE, 1842.

1.—Yes; and I am so in the Seigniorie du Gouffre.

2.—For about 50 years.

3.—Jean Tremblay, my father; and he had been in possession for about 47 years.

4.—Yes; and I transmit a copy of it with my answers.

6.—Yes; I have that I took out myself, and I transmit a copy of it.

8.—Yes; and the rents have been increased, and a certain number of reservations and restrictions have been made, such as that of planting a maypole at the manor house, a condition not to commute, &amp;c.

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- 9.—Four arpents in front by thirty-five arpents in depth in the first range of the concession du Gouffre.
- 10.—They did so in 1792; and the greater part of the *habitans* did not do so until after they had taken legal advice, to learn whether they were or were not obliged. One Jean Boily, allowed himself to be sued by the Seigneur, and was condemned to take out a new title, provided it was conformable to the original deed of concession.
- 11.—Nothing more than I have just stated in my answer to the 10th Question.
- 12.—Yes, almost all. But after having consulted their Lawyers, they submitted.
- 13.—Only one.
- 14.—Yes.
- 15.—As a Seigniorial Mill only.
- 16.—About two hundred pounds currency.
- 17.—No.
- 18.—Yes.
- 19.—No.
- 20.—Never to my knowledge.
- 21.—Yes, certainly.
- 22.—Yes; the preference in case of sale, &c.
- 23.—No.
- 24.—No.
- 25.—I should like to hold my land in free and common soccage.
- 26.—No.
- 27.—Yes.
- 28.—Yes; beyond all question
- 29.—The Seigniors might be allowed to retain their Seigniorial Mills, and might be paid the price for which their Seigniority sold at the last sale; or if it should not have been sold, its value might be estimated by *experts* chosen for that purpose.
- 30.—No.
- 31.—No.
- 32.—Not to my recollection.
- 33.—I refer to the copies which I send with my answers.
- 34.—No.
- 35.—No.
- 36.—No.
- 37.—No.
- 38.—No.
- 39.—Yes; and free and common soccage would be a good tenure.
- 40.—By purchasing, or paying the Seigneur the price which he or his predecessors paid for his Sei-

gniority, or by estimating its value by *experts* if it should not have been sold.

41.—The mode I have just stated in my answer to the 40th Question.

42.—No; it ought to be abolished.

43.—No; but I am not capable of suggesting the mode which ought to be adopted.

44.—I cannot answer this Question.

45.—I refer to the copies which I transmit.

46.—I refer to my answer to the 40th Question.

47.—I cannot furnish such a scale: for, my suggestion is to re-pay the Seigneur the price which he paid for his Seigniority, and to leave him his Seigniorial mill or mills.

48.—I can add nothing to what I have already said.

(Signed) J. B. TREMBLAY.

No. 17.

Answers of Joseph Perron, N. P., Isle aux Coudres.

(Translation.)

ISLE AUX COUDRES, 24TH JUNE, 1842.

Sir,—I have to acknowledge the receipt of your circular, dated Montreal, 18th May last, and I beg to inform you for the information of the Commissioners for inquiring into the Seigniorial Tenure, that my knowledge on this subject is very limited; but in order to comply with the request made to me, I take the liberty of replying briefly to the questions submitted to me, in the order in which they stand.

1.—I am a proprietor in the *Fief* or Seigniority of Beaupré.

2.—Since the 14th June, 1841, for a land of two arpents and one perch, or thereabouts.

3.—Alexis Perron was the proprietor of it.

4.—Yes, I am in possession of the copy of the deed, but I cannot furnish a copy of it without incurring considerable expense.

5.—I have answered this.

6.—Yes, I have a *titre-nouvel* taken out by Alexis Perron, but I cannot give a copy of it.

7.—I have answered this.

8.—None.

9.—Two arpents and a perch in front by 50 or thereabouts in depth, in the first range of the upper end of the island.

10.—Yes, in 1826, the said *Censitaires* took out new deeds and did so voluntarily. The Notary was Louis Bernier, Esquire.

11.—Not to my knowledge.

12.—I think there are seven.

14.—Yes.

16.—I cannot exactly state the value of the said

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mills, but I think they may have cost four thousand and some hundred pounds currency.

17.—No.

18.—The Seigniors of this Seigniorie never exercised the right of *retrait* to my knowledge.

19.—No.

20.—Never to my knowledge.

21.—Yes, beyond all question.

22.—The oak only, I think.

23 &amp; 24.—No.

25.—I have never proposed to my Seigniors to commute my tenure, but I should have no objection to do so, especially into free and common soccage; provided I remained under the laws and institutions under which my ancestors lived.

26.—No.

27.—Yes; undoubtedly.

28.—Yes.

29.—I think the mode prescribed by the Bill to provide for the voluntary commutation of the Seigniorial Tenure in Lower Canada, is tolerably well conceived, inasmuch as neither party is in my opinion injured. I think that if the Bill became law, it would be beneficial to the parties.

30 &amp; 31.—No.

32.—Not to my knowledge.

33.—The *cens et rentes* vary in the Island; there are some at 30 *sols*, others at 20 *sols*, and some at still less, I believe.

34, 35 &amp; 36.—No.

37.—This has not occurred, I think, in my parish.

38.—Not to my knowledge.

39.—Yes, certainly. In my humble opinion, the tenure of free and common soccage would be preferable.

40.—My information on these subjects is too limited.

41.—I cannot suggest any plan.

42.—I do not think it possible to modify the Seigniorial Tenure, so as to make it give general satisfaction. The only mode to be sought, according to me, is to do away with it altogether.

43.—If all the *Censitaires* had the means of effecting a commutation, I think that the appointment of arbitrators in the manner provided by the said Bill would be equitable.

44.—I am not intimately acquainted with the provisions of the Bill, and consequently I cannot say whether it would meet the approbation of the *habitans*.

45.—In my parish, we have to pay the *cens et rentes* and the *lods et ventes* on immoveable property; the Seigniors take off on lands the timber they require for mills, and they take also the third of the fish we call porpoises, caught in the fisheries we have on the

shoals off the Island, and five per cent on the eels taken by each proprietor in front of his land.

46.—I am of opinion that six per cent on the estimated value of the property, would be an equitable compensation to the Seignior for all the Seigniorial rights with which I am charged as a *Censitaire*.

47.—The only scale or plan I should suggest as the basis for calculating the value of the Seigniorial rights with which I am charged as one of the *Censitaires* of the Seigniorie of Beaupré, would be the valuation of my immoveable property in money, upon which I would pay the Seigniors six per cent.

48.—I can add nothing to what I have answered to the preceding questions.

I am, with consideration,  
Your obedient servant,

(Signed) JOSEPH PERRON,  
J. P.

No. 18.

Letter from Messire Asselin, Ste. Famille.

(Translation.)

STE. FAMILLE, 24TH JULY, 1842.

SIR,—I had the honor to receive some little time ago, a series of Questions relative to the present tenure of lands in this country; and I should have answered it earlier had it not been for the multitude of official business I have on my hands.

Without entering into detail on all the Questions submitted to me (as I am not a landholder) I shall confine myself to the announcement of an opinion very generally entertained, by stating to you that I consider the feudal tenure to be, in principle, that best adapted to the poverty of our Canadian youth, provided the Seigniors concede their wild lands at a moderate rate, as was formerly the case, and that they do not refuse to concede lands in their Seigniories. With regard to the reservation of building timber, I think they might be allowed to continue it in their deeds of concession, but only for the building or repairing of the Manor house and Seigniorial mills, and without impeding the cultivator in the clearing of his lands. I have not, in the several parts of the Province in which I have been resident, heard any complaints on the part of the *Censitaires*, nor any wish expressed by them for a change of tenure, because the Seigniorial rights were exercised by equitable Seigniors. As to the *lods et ventes*, my opinion is, that they ought to be exigible on the value of the ground only, and not on that of the buildings, except in the case where a land cultivated and built upon by the Seignior himself should afterwards pass into other hands. In one word, the *lods et ventes* should be exigible according to the state of the property at the time it was conceded by the Seignior.

The *titres-nouveaux* ought to be mere recognizances by the *Censitaires* of the charges and conditions subject to which their lands were originally conceded, without any augmentation of the charges.

During the many years this question of Seigniorial rights has been agitated, I have often turned it over in my mind, and have always come to the conclusion that the Feudal tenure was that best adapted for settling the lands of this country, and that a moderate rent, perpetual though it should be, was a light charge

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in comparison with the advantage of obtaining land to settle upon without having to purchase it. The *lods et ventes* ought not to be so great a subject of complaint (in the country parts) since their tendency is to check the passing of the property of a family into the hands of strangers.

I have the honor to be, Sir,  
With the highest consideration,  
Your very humble servant,

(Signed) JOSEPH ASSELIN, Ptre.

J. E. TURCOTTE, ESQUIRE,  
&c. &c. &c.

## No. 19.

*Answers of the undersigned Paschal Dumais, to the Questions proposed to certain Censitaires of divers Fiefs and Seigniories in the Province, by the Commission for inquiring into the Seigniorial Tenure.*

(Translation.)

KAMOURASKA, 1ST JULY, 1842.

1.—Yes, of several in the Seigniories of Kamouraska, River-du-Loup and Isle-Verte.

2.—At divers periods since 1822.

3.—Elie Hudon, for a lot which he had held from 1816 to 1822. Jean Malenfant, for a lot he had held from 1810 to 1822. The minor children of Alexander Ouellet, for a lot they had held for about ten years. Vilmaire Lizot, for a lot he had held from 1829 to 1833. Romain Dubé, for one he had held from 1825 to 1833. Jean Bte. Lebel, for one he had held from 1832 to 1833. Léandre Dubé, for one he had held from 1835 to 1836. Hilary Gagnon, for one he had held for a very short time in 1837. Mr. Sauvageau, for a lot he had held from 1834 or 1835 until the 16th of May last. All these lands are in the Seignior of River-du-Loup. I possess two lots in the Seignior of Isle-Verte, which had been possessed before me, one by Mr. E. Chamberland during about six or seven years, and up to 1833 or 1834, and the other by Fabien Boulé, who exchanged it with me as soon as he had obtained it in concession. The property I have in Kamouraska came to me from the succession of the late Mr. Dupuis, in 1832. I do not know how long he had possessed it before.

4.—No, but I transmit to the Commission with these answers, a copy of a deed of concession made by the Seignior of River-du-Loup, and another made by the Seignior of Isle-Verte; these copies, with some slight exceptions, are similar to all the deeds of concession made by the said Seigniors for the last thirty years.

5.—I cannot.

6.—I ought to have one or two.—I have sought for them, but cannot find them.

7.—I cannot say where they are. But at any rate all these *titres-nouveaux* form part of the *terrier* of the Seignior.

8.—I have not had occasion to observe. I do not think there is any difference.

9.—I have three lands in the first range of the Seignior of River-du-Loup, containing five *arpens*

and three perches in front by forty in depth. I have three others in the second range containing six *arpens* in front by thirty in depth. The two lots I possess in Isle-Verte contain, the one four *arpens* in front by forty-two in depth, in the third range, and the other two *arpens* by twelve, in the fourth range. What I have in the Seignior of Kamouraska consists of one-fifth of a building lot and house in the first range, and two-fifths of a land of two *arpens* in front by thirty in depth.

10.—The Seignior of River-du-Loup having obtained letters patent for a *terrier* in 1825, the inhabitants took out new titles from him in 1826 and 1827. They all, to my knowledge, did so voluntarily, except about thirty who neglected it. Jean Bte. Taché, Esquire, was the Notary commissioned to make out the *terrier*. It was about in 1828 that the same thing was done at Kamouraska by Mr. Letellier. In 1819, a *terrier* was made for Isle-Verte by Mr. Joseph Ouellet.

11.—No.

12.—None were made at River-du-Loup, where I worked at the *terrier* with Mr. Taché.

13.—Two in the Seignior of River-du-Loup, one more is required, two in the Seignior of Isle-Verte, and one at Kamouraska.

14 & 15.—They were built for that purpose; but they are generally for the use of those who bring their grain to be ground, whether they are subject to the *banalité* or not.

16.—I cannot.

17.—No.

18.—Yes, when the Seignior abuses it.

19.—I have heard it asserted of the Seigniors of La Pocatière and River-Ouelle.

20.—It has been exercised two or three times by the Seignior of River-du-Loup to my knowledge, since 1820.

21.—It is most onerous; I will say in some cases even ruinous, and the only right which is generally complained of. The *Censitaires* would be relieved of a great burden, if it were abolished. I call it ruinous, because it is to my personal knowledge that donors (for example) have sued their donees or their successors for arrears of life-rent, and having obtained judgment have caused the property charged with such life-rent to be sold by the Sheriff. The Seignior has put in his opposition for *lods et ventes* on the price, and has pocketed (excuse the expression) the whole sum for which the land sold, and the donors have gone empty handed away, with their costs to pay and dispoiled of their life-rent. I shall cite another case which will give the Commissioners some idea how onerous the *lods et ventes* may become. In 1826 or '27, Messrs. Dupuis and Chamberland purchased a lot of land for £500: about 1830 they gave it in payment of certain rights of heirship to Mr. Ls. Chamberland; some years afterwards Mr. Ls. Chamberland made a donation of it in consideration of a life-rent to Mr. Sauvageau his father-in-law, and Mr. Sauvageau sold me the same land on the 16th May last, for £314, and directed me to pay £130 to the Seignior of River-du-Loup for *lods et ventes* and interest thereon, and I myself have to pay him £25 or thereabouts, making nearly one-half the price. It is at the same time fair to say that the nominal value of real property has

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diminished one-third during the last ten or fifteen years.

It is especially on donations, in consideration of a life-rent, that the *lods et ventes* become odious; for it happens frequently that the parents in making a donation (a very bad Canadian custom) to their children, charge them with a very heavy life-rent, in the full persuasion that they will never have to demand it, but will live with them as one family; but if the children come to sell the property subject to the life-rent, the Seigneur estimates each and every of the articles of which the rent consists (ordinarily for ten years, but sometimes for more, according to the age of the donors,) and upon the value so estimated he receives his *lods et ventes*, as well as upon the price to be paid in money, so that two or three mutations are sometimes sufficient to give the Seigneur the whole value of the land in *lods et ventes*.

22.—The timber of heavy growth is generally reserved.

23.—It is generally complained of in the Seigneurship of River-du-Loup, inasmuch as it deprives the inhabitants of the right of getting out timber for their own benefit; if it were not for this reservation which paralyzes their industry, the inhabitants could at least procure for themselves the timber requisite for their own houses without paying out money. I have no knowledge that this reservation has prevented any *Censitaire* from clearing his land or making improvements upon it; but it is more than probable that if the inhabitants were at liberty to employ their labour in getting out timber, they would derive profits from it which would enable them to make clearances and improvements, which they are unable to make while this reservation continues.

24.—No.

25.—I should have no objection to commute the Seigneurial tenure into any other, if the commutation were effected for nothing or for a trifle; but if it were necessary to purchase the Seigneurial rights at such a rate as would do justice to the Seigniors, I should assuredly prefer the Seigneurial tenure to any other; first, because I have not the means of making this purchase, and next, because if I had, I should think the money might be better employed in making clearances and improvements on the property itself than in purchasing the Seigneurial rights. For example, if it were necessary to pay one tenth of the value of the property: I estimate the value of my property in River-du-Loup at £1500, and I should have to pay £150 once for all, or £9 a year; whereas I now only pay 13s. 4½d. in money and 3 minots of wheat (say 30s. in all) yearly, for *cens et rentes*.

26.—No.

27.—Yes, I should call the right even unjust; for the industry of the Inhabitants is thereby heavily taxed.

28.—Yes, most certainly.

29.—I think the complaint against *lods et ventes* would cease, if they were made payable (both in the towns and in the country parts) only on the value of the ground, and not on that of the improvements which are the fruit of the sweat and labor of the *Censitaire*. The right of *retrait* is so rarely exercised that it ought not to be restrained, except when the Seigneur abuses it. I think the right of *banalité* more beneficial to the *Censitaire* than to the Seigneur; but it would be sufficiently profitable to the Seigneur if the toll were reduced to  $\frac{1}{4}$ . As to the reservation of timber of

large growth, it is greatly to be desired, that it should be restricted to the timber required by the Seigneur for his own use, or for the construction of public buildings.

30.—No; but I have heard that the Seigneur of Isle-Verte had raised the price, and had taken upon himself to sell and concede at the same time; and the Commissioners, will perceive that the price would then go to the Seigneur without being shared by any one.

31.—In a case nearly analogous, Louis Bertrand, Co-Seigneur of Isle-Verte, sued Jean Baptiste Patoine for the price of a lot of land which he had sold and conceded to him at the same time. The action was brought, if I remember rightly, in the Court of King's Bench, for the District of Quebec, and was contested by the defendant on the ground that the Seigneur could not sell and concede at the same time, on which plea judgment was given for the plaintiff, in April or June, 1837.

32.—No.

33.—The quantum of *cens et rentes* stipulated in the old titles for River-du-Loup, was 41 *sols*; these titles are posterior to 1711.

34, 35, 36 & 37.—No.

38.—No. But I am under the impression that a number of petitions have been presented to the Legislature, complaining of abuses on the part of the Seigniors.

39.—I think that the Seigneurial Tenure (if the abuses be removed and the Seigneurial rights modified in the manner I have suggested above) is the best. I should not like a commutation. Far from improving the condition of the inhabitants and promoting their welfare, I think it would make their condition worse, unless it were obtained at a very low rate.

40 & 41.—I consider commutation impossible so as to render justice to all parties, for the reasons I have before stated, without prejudice to the modifications and restrictions which I have hereinabove suggested.

42.—I think that if the Seigniors generally had confined themselves within the bounds of law and justice, there would have been no complaint against the Seigneurial Tenure, except with regard to the *lods et ventes*. The abuses provoked the complaints. Remove the abuses, and let the *lods et ventes* be payable on the value of the ground alone, and enforce the other restrictions I have suggested, and I am sure the complaints will cease, and the Seigniors!—the Seigniors!—will live like Seigniors.

43, 44, 45, 46, 47 & 48.—My preceding answers will furnish my answers to these questions.

(Signed)

P. DUMAIS.

P. S.—If I have been tardy in answering, it is because I only received the questions fifteen or twenty days ago, and I was ill until Saturday last.

No. 20.

Answers of Alex. Jos. Wolff, Valcartier, to the Interrogatories submitted to him by the Commission of Inquiry on the Seigneurial Tenure.

VALCARTIER, 1ST JULY, 1842.

1.—Under the Jesuits' Estates.

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- 2.—Twenty years, or thereabouts.
- 3.—Andrew Stuart, Esquire, deceased, and the Honorable John Neilson.
- 4.—I am in possession of a notarial copy of the deeds belonging to such lands. The Honorable John Neilson will furnish for the whole.
- 5.—I believe the Honorable John Neilson is in possession of such deeds of concession.
- 6.—I am not in possession of any *titre-nouvel*.
- 7.—It is impossible for me to say.
- 8.—It is not in my power to answer this question, but we hold our land under the Jesuits.
- 9.—In the fourth concession my land is six arpents in breadth by twenty-eight in depth, and in the fifth concession, six arpents in breadth by twenty-six arpents in depth.
- 10.—I cannot say.
- 11.—We have but few burdens or restrictions upon us, being solely under the Jesuits.
- 12.—I never heard of any complaints being made.
- 13.—I cannot say how many there are belonging to the Jesuits; but there are only two in our district, viz: one banal mill and one oat meal and barley mill.
- 14.—Yes.
- 15.—They are solely for the use of the inhabitants.
- 16.—I cannot positively state the value of them; the rent of our oat meal and barley mill is, I believe, about £20 per annum.
- 17.—I never purchased any.
- 18.—I cannot positively say, but I believe it is.
- 19.—I have never heard of any.
- 20.—I have never heard of any occurrence.
- 21.—I consider the *lods et ventes* to be of a very onerous and burdensome nature, and have frequently heard of very heavy complaints relative to the same, and consider as long as such *lods et ventes* exist, that they tend much to retard the public from improving their properties. It is universally complained of.
- 22.—We have no reservations of this kind.
- 23.—We have no complaints of this kind in our district.
- 24.—I never heard of any.
- 25.—I never heard of any.
- 26.—I never heard of any.
- 27.—This is a general complaint, and frequently doubles the value of the lot.
- 28.—It is of a very injurious nature, and tends much to prevent public improvements.
- 29.—I cannot say.
- 30.—I never heard of any in our district.

- 31.—I never heard of any such actions.
- 32.—I was not in the country at this period.
- 33.—I cannot make any reply to this question.
- 34.—I never heard of any.
- 35.—I never heard of any.
- 36.—I never heard of any such actions being instituted.
- 37.—I never heard of any.
- 38.—I cannot make any reply to this. I have never heard of any such complaints in our district.
- 39.—Free and common soccage I presume to be the best Tenure, and calculated more for the welfare of the people generally.
- 40.—As to this question, I cannot give the Board any satisfactory reply.
- 41.—I consider, if it was left to arbitration, it would be the fairest way to decide this question; and in case the arbitrators should not agree, then let an umpire be chosen to decide on such system of commutation.
- 42.—It is out of my power to answer this question.
- 43.—I consider arbitrators indifferently chosen by the Seigneur, with power given to the said arbitrators to choose an umpire, the fairest and best plan to be pursued.
- 44.—For my part I consider the Bill referred to fair and equitable, and one likely to meet the wishes of the people, provided the fees as far as regards the registering the deeds are kept in moderation.
- 45.—I cannot answer this question.
- 46.—I cannot answer as to this.
- 47.—To this, I can give no satisfactory answer.
- 48.—I can furnish the Board with no further information than I have already done to the foregoing questions.

(Signed) ALEX. JOS. WOLFF.

No. 21.

*Answers of Joseph Brassard, Censitaire of Malbaie, to the Questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation)

MALBAIE, 1ST JULY, 1842.

- 1.—I am a proprietor in the Seignior of Murray Bay.
- 2.—For the last 48 years.
- 3.—My father; and he was in possession for about 12 years.
- 4.—It is not in my possession.
- 5.—I do not know.

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6.—Yes, I have taken out such *titre-nouvel*, and it is not in my possession.

7.—The Seignior.

8.—I do not know.

9.—It is six *arpens* by forty, in the first range.

10.—Yes, and to my knowledge the greater part of the inhabitants have done so from compulsion, and those who did not wish to take out their *titres-nouveaux* were sued; the Notary was Charles Pierre Huot.

11.—In general all the inhabitants remonstrated against these *titres-nouveaux* as well as the charges and rents imposed on their lands, and the reserves made by the Seigniors; and the nature of these objections was, that they were charged by these *titres-nouveaux* for one day of *corvée*, and to pay 10s. to have a *titre-nouvel*, and 2s. for searching out the old titles, for each title.

12.—Generally.

13.—In the Seignior of Murray Bay, two, and in the Seignior of Mount Murray, one.

14.—They serve for all those who wish to employ them.

15.—They have all been built as *banal* mills.

16.—At the most from about £250 to £300.

17.—No.

18.—Yes, this right is very onerous, because when any one of us purchases a land we are obliged to pay more than we should wish, in order to keep it.

19.—I know nothing of this.

20.—Seldom.

21.—Yes, and the generality of the *habitans* would like much to get rid of these Seigniorial rights.

22.—Yes, these reserves are made, although there is no oak to be met with in our Seigniories: the Seigniors take other timber, and the best, where they please, on each land individually.

23.—Yes.

24.—The Seigniors have never been willing to grant any land under any other tenure whatsoever, although often asked.

25.—For my own part, I should prefer the free and common soccage, but a great number of the *Censitaires* are incapable of obtaining it.

26.—Although I have asked of him several times, certain pieces of land, and many others to my knowledge have asked him as well as myself; he refused them to us, giving no other reason than that he did not wish to concede.

27.—Yes; the buildings are worth more than ten times the value of the *emplacemens*.

28.—Yes.

29.—The generality of the *Censitaires* are most anxious to get rid of these *lods et ventes* as well as of all the other rights mentioned in the question; and the reason is, that the Seignior, by taking his forty *sous*

*tournois* for each *arpent* of land, has sufficient for himself, inasmuch as he has reserved to himself under the name of domain, great quantities of land, and of the best kind.

30.—Anciently lands were conceded at three *arpens* by forty in depth, without any mention of roads and *corvées*, but at the rate of forty *sous tournois* for each *arpent* in front by forty in depth. At present the Seignior concedes three *arpens* by thirty at two shillings, subject to the conditions of giving a great number of days to the Seignior for keeping up the public roads of the domain, which are very considerable and very burdensome to the *Censitaires*.

31.—I do not know anything of that. I know very well that it would have been useless to do so. The power of the Seignior is too great.

32.—I know nothing with respect to this question.

33.—Although I have no titles in my possession, I know that by the present titles the *quantum* of the *cens et rentes* and other Seigniorial charges and reserves is much more than it was anciently, by the present rate, and the charges and reserves stipulated in recent concessions.

34.—I do not know.

35.—I am not aware that any one has brought an action with this view; but that the Seigniors of two Seigniories have refused to concede.

36.—I know nothing of it.

37.—The Seignior Nairne, of the Seignior of Murray Bay, has refused me and many others besides.

38.—To the best of my knowledge, this question has been represented, and a complaint has been made thereon, by petition to the House of Assembly.

39.—I think so, under the tenure above mentioned.

40.—I cannot suggest any other means than those above stated.

41.—For my own part I cannot point out any plan.

42.—I think it would be possible to reduce the Seigniors to the rent above stated, without abolishing the Seigniorial system, for, I, as well as many other *Censitaires*, have been told by the Seignior that these Seigniorial rights, in so far as concerned the *lods et ventes*, did not belong to him, but that he took them because the law allowed it.

43.—I believe that the method of arbitrators is the best.

44.—It is beyond my capacity to decide this question and to give the details required.

45.—Not having my deeds of concession in my possession, I cannot answer.

46.—The value in money might be, in my opinion, two shillings per *arpent* for good lands, and less in proportion for bad lands.

47.—The rate in money may amount to from four to five pounds currency per annum, without including the *lods et ventes* which it is difficult to determine the value of.

48.—I have omitted some things, and I shall now detail them. It has come to my knowledge, that the

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Seignior Nairne, caused a land to be sold for 3 or 4 pounds of *lods et ventes* by creating costs against a man who had not the money to pay, and he even had his furniture sold for this payment: and moreover a man who cannot pay the *lods et ventes* and the rents immediately, is compelled to pay the interest, which very often amounts to more than the land is worth. About nine years ago, I took a large fish out at sea beyond the limits of his Seignior, and having got home with this fish, he came to ask of me for the tenth of the value, which might be worth nearly eight pounds, threatening to sue me; and after taking advice I resisted, and had not any costs to pay. More than this, no fishery can be established without his permission, nor without paying rent.

I am your Servant,

(Signed) JOSEPH BRASSARD.

N. B. I have built a saw mill on my premises, and am obliged to pay him 7s. 6d. rent, annually.

No. 22.

Answers of François Bouchard, Murray Bay, to the questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

MALBAIE, 2D JULY, 1842.

1.—I am a proprietor in the Seignior of Murray Bay, and in that of Mount Murray.

2.—For the last two years.

3.—My father; and he was in possession for about forty years.

4.—It is not in my possession.

5.—I do not know.

6.—Yes. I have taken out such *titre-nouvel*, and it is not in my possession.

7.—I do not know.

8.—I do not know.

9.—It is two *arpens* and three quarters wide by about thirty-six in depth, in the Seignior of Murray Bay and concession of Terrebonne. I am in possession also of thirteen other *arpens* and a half of land by about forty in depth in various concessions, and also in both Seigniories.

10.—Yes, and the greater part of the inhabitants to my knowledge, did so from compulsion, and those who declined taking out their *titre-nouvel* were sued; the Notary was Charles Pierre Huot.

11.—In general, all the inhabitants remonstrated against these *titres-nouveaux*, as well as the charges and rents imposed on their lands, and the reservations made by the Seignior; and the nature of these objections was, that the *habitans* were charged by these *titres-nouveaux* one day of *corvée*, and to pay ten shillings for a *titre-nouvel*, and two shillings for searching out the old titles, for each title.

12.—In general.

13.—Two in the Seignior of Murray Bay, and one in the Seignior of Mount Murray.

14.—They serve for all those who wish to employ them.

15.—They have all been built as Seigniorial mills.

16.—About two hundred pounds, at the most.

17.—No.

18.—Yes; this right is very onerous, because when any one of us purchases a land, we are obliged to pay dearer than we would wish in order to be sure of keeping them.

19.—I know nothing of it.

20.—But seldom.

21.—Yes, and the generality of the inhabitants are most desirous of getting rid of these Seigniorial rights.

22.—Yes, these reserves are made although there is no oak to be met with in our Seigniories; the Seigniors take other timber, and the best, wherever they please on each land individually.

23.—Yes.

24.—The Seigniors have never been willing to grant any lands under any other tenure whatsoever, although often requested.

25.—For my own part, I should prefer free and common soccage, but a great number of the *Censitaires* are incapable of obtaining it.

26.—Although I have often asked him for certain pieces of land; and many others, to my knowledge, have also asked as well as myself, he refused, giving as a sole reason that he did not wish to concede.

27.—Yes, the buildings are ten times more valuable than the *emplacements*.

28.—Yes.

29.—The generality of the *Censitaires* are most anxious to get rid of these *lods et ventes*, as well as all the other rights mentioned in the question; and the reason is that the Seignior by taking his forty *sols tournois* on each *arpent* of land has a sufficiency, inasmuch as he has reserved to himself, under the name of domain, a great extent of land and of the best kind.

30.—Anciently, the lands were conceded three *arpens* by forty in depth, without any keeping up of roads and *corvée*, at the rate of forty *sols tournois* for each *arpent* of front by forty in depth. At present the Seignior concedes lands of three *arpens* by thirty at two shillings, subject to give a great number of days to the Seignior for keeping up the public roads on the domain, which are very considerable and very onerous to the *Censitaires*.

31.—I know nothing about that. I know very well that it would have been useless to do so. The power of the Seignior is too great.

32.—I know nothing with respect to this question.

33.—Although I have no titles in my possession, I know that by the present titles the quantum of the *cens et rentes* and other charges and reserves to the Seignior is much higher than anciently, by the present rate and the charges and reserves stipulated in the recent concessions. I refer to No. 30.

34.—I know nothing about this.

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35.—I am not aware that any one has brought an action with this view, but that the Seigniors of the two Seigniories have refused to concede.

36.—I know nothing about this.

37.—All that I know is, that they have refused them repeatedly.

38.—We have complained several times by petition to the House, and also to our Seigniors; and when we complained to these latter they threatened to turn us out.

39.—I believe so under the tenure above mentioned.

40.—I cannot suggest to you any other means than those above mentioned.

41.—I am unable to point out any plan.

42.—I think that it might be possible to reduce the Seigniors to the rent above stated, without abolishing the Seigniorial system; for I, and many other *Censitaires*, were told by the Seignior that these Seigniorial rights, in so far as concerned the *lods et ventes* did not belong to him, but that he took them because the law allowed it.

43.—I believe that the method of arbitration is the best.

44.—It is beyond my capacity to decide this question and to give the requisite details.

45.—Not having my deeds of concession in my possession, I cannot answer.

46.—The value in money might be, in my opinion, two shillings per *arpent* for good land, and for bad, less in proportion.

47.—The rate in money may amount to from four to five pounds currency, yearly, without including the *lods et ventes*, the value of which it is difficult to fix.

48.—I do not find any omission in the questions.

I remain your servant,

(Signed) FRS. BOUCHARD.

No. 23

*Answers of sundry Censitaires, Isle d'Orléans, to the Questions submitted by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

ST. JEAN, ISLE D'ORLEANS, 2D JULY, 1842.

SIR,—In answer to the Circular addressed to us by the Commission of Inquiry on the Seigniorial Tenure, we, the undersigned inhabitants residing in the parishes of St. Jean, St. Laurent, and St. François, in the Island of Orleans, desiring to assist the above mentioned Commission in the Inquiry and Report which they have to make, respecting the expediency of establishing a general and uniform system of commutation on a just and equitable basis as to the Seigniorial Tenure, will answer collectively, as much as possible, the interrogatories which concern us, and we shall make the remarks which we may consider proper to attain the end which the Commission has in view, that is

“to ameliorate the condition and promote the happiness of the inhabitants of this Province,” by freeing them from the present system of tenure.

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## ANSWERS.

1.—We are proprietors *en roture* in the Seigniorie of the Dames Drapeaux, of the Seignior Poulin, and of the Seignior Lémelin.

2.—The undersigned have been proprietors some for the last ten, others for the last thirty years.

3.—The Rev. Mr. Ant. Gosselin derives his title from Joseph Jahan and Jus. Martineau; N. La Rue, from the widow Jean Bte. Genest; Paul Blouin, from Joseph Delâge; Joseph Laisnés from Charles Blouin; Jean B. Cazeau, from Ant. Gobeil; Augustin Guichereau, from Aug. Guichereau, his father; Yves Philipon, from Jean Charbonneau; Joseph Couture, from Antoine Pouliotte; Louis Godbout, from Louis Gosselin.

4.—Some are in possession of their original deeds of concession, others are not. N. La Rue transmits to you a certified copy of his original deed of concession; the others of the undersigned not being able to do so without incurring expense beg of you to excuse them.

5.—The answer to this question is contained in the preceding.

6.—We have *titres-nouveaux* taken out by ourselves and our predecessors; N. La Rue transmits to you a copy of his own.

7.—The answer to this question is contained in the preceding.

8.—The amount of Seigniorial *cens et rentes* and other charges and rents are nearly the same in the *titres-nouveaux* as in the original deeds of concession.

9.—The Rev. Mr. Gosselin possesses ten *arpens* square; N. La Rue possesses three *arpens* and two perches in front by sixty-eight *arpens* in depth; Paul Blouin possesses three *arpens* by seventy *arpens* in depth; Joseph Laisnés possesses four *arpens* in front by seventy *arpens* in depth; J. B. Cazeau possesses half an *arpent* square; Aug. Guichereau possesses three *arpens* in front by thirty-five *arpens* and a half in depth; Yves Philipon, three *arpens* in front by twenty-eight in depth; Jos. Couture about half a superficial *arpent*; Louis Godbout about three-fourths of a superficial *arpent*.

10.—The inhabitants of St. Jean and St. François only have recently taken out *titres-nouveaux*, this was from nine to twelve years ago; those of St. Jean were taken out before P. Gagnon and Thomas L. Besserer, Notaries, and those of St. François before Germ. Guay. The inhabitants did so voluntarily.

11.—What was most repugnant to the *Censitaires* was the reservations of oak timber, and timber for building, and fifteen feet of land on each line, for a highway or road.

12.—These complaints and objections were partial.

13.—In each of the parishes which we live in, there is a *banal* mill.

14.—Yes.

15.—These mills were, at the outset, built as *banal* mills.

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16.—The mill of St. Jean is worth about £600, that of St. Laurent and that of St. François are each worth about the same sum, £600.

17.—No.

18.—The right of *retrait conventionnel* is very burdensome to the *Censitaires*, and they are most anxious to be freed from it.

19.—As far as we know, the Seigneur has never renounced this right in consideration of a *bonus*.

20.—The right of *retrait* is rarely exercised, but still too frequently.

21.—Assuredly we consider the right of *lods et ventes* as very onerous to the *Censitaires*; there is a general complaint about them: the inhabitants are very desirous of throwing them off, provided the new system of tenure would be more advantageous; but in any case we are of opinion that they would willingly tolerate this right of *lods et ventes* if the Seigneur would only exercise it with reference to the real value of the land and not to the value of the improvements thereon.

22.—Yes, with some few exceptions.

23.—Having but little of that kind of wood, it is not much complained of.

24.—No such demand has ever been made, in so far as we know.

25.—We prefer the present tenure to any other (if it were modified as we observed in the twenty-first answer and as we shall explain farther on,) because we suppose that a change, if it took place, would be still more onerous to the inhabitants, because of the multiplied charges and reservations which are in the ancient titles, and the difficulty there would be in establishing a just compensation.

26.—No such demand has ever been made, as far as we know.

27.—This right of exacting *lods et ventes* at the time of mutations is most onerous in every case, but particularly so in towns, boroughs and villages, because of the great improvements, which far surpass the value of the ground itself on which the improvements are made.

28.—This right cannot but be very prejudicial to industry and commerce, and is generally complained of.

29.—This question is to us a problem which we dare not venture to solve; we shall content ourselves with making and submitting to the Commission the following remarks:—We think that the Seigniors might be compelled to commute their rights acquired by virtue of their original grants, (excepting the right of *banalité*,) in case the *Censitaires* should wish to purchase them, and that it should be in the power of this latter to oblige the Seigneur to sell him a part of these same rights, at his pleasure. To attain this end, it would be necessary that the law should contain provisions with reference to the different reservations that exist in each locality, and the indemnity to be paid to the Seigneur in proportion to such reservations. As to the indemnity to be established for the *lods et ventes*, it must necessarily depend on the real value of the ground itself, (*fonds*) deducting the improvements, and this value might be fixed by arbitrators named by the parties. We do not think that the right of *banalité* should be commuted, because on the one

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hand the commutation would discourage the Seigneur from keeping up his mill, and on the other, the *Censitaire* is interested in having the mill of his Seigneur in good order, for which reasons this commutation would be injurious to both parties.

30.—No case similar to that proposed has ever presented itself.

31.—Never.

32.—We are incapable of answering this question.

33.—Agreeably to the original deeds of concession, we pay eight *livres*, ten *sols* for each three *arpens* of frontage, including the capons; the other reservations and stipulations are fixed in the copy of a deed, which is transmitted to you.

34.—No.

35.—All the lands situate in our Seignories having been long ago conceded, and not being susceptible of augmentations, it is impossible that a case of this nature could present itself.

36.—The answer to this question is contained in the last.

37.—We know that this has happened on the South side of the river; but we are ignorant who made such refusal, and by whom such action was brought.

38.—We are not aware of such a case.

39.—We, French Canadians, prefer the French tenure, modified as above shewn.

40.—We have maturely considered this subject; we refer to the explanations already given, particularly to those enunciated in the 29th answer.

41.—We have maturely considered this subject; we refer to the explanations already given, particularly to those enunciated in the 29th answer.

42.—It may be modified without being abolished, as already mentioned.

43.—In case the plan should be adopted which has been pointed out in answer 29 and elsewhere, we think that the arbitrators to be chosen, should be strangers to the Seignory in question, and altogether disinterested.

44.—We have seen and read the Bill in question, and doubt whether this Bill as now drawn, would meet the approval of the inhabitants—particularly the 12th clause—unless it were modified, as has been already remarked.

45.—The Seigniorial rights, charges, and reserves, a list of which is asked and required, are contained in the deed of concession forwarded to you.

46.—We think we have already answered the three last questions, namely, the 46th, 47th, and 48th. We shall only add, that the rate which appears to us most equitable, to establish as the commutation money for all the Seigniorial rights, (should the *Censitaire* desire to redeem them) would be ten per cent.

As to the right of *retrait*, nothing should be allowed to the Seigneur for that.

We regret, Sir, that we are not able to devote more time to the long series of questions which have been proposed to us by the Commission, so as to answer

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them in a manner more satisfactory to the Commission and to ourselves; but we nevertheless flatter ourselves that the answers and remarks which we addressed to you will attain in part the desired end; and we have the honor to subscribe ourselves

Your most humble servants,

(Signed) ANT. GOSSELIN, Priest, Curé of St. Jean.  
N. LARUE, N. P.  
J. B. CAZEAU.  
his  
JOSEPH x LAISNE'S,  
mark.  
F. X. DUGAL.  
AUG. JOSEPH MARIE GUICHEREAU.  
YVES PHILIPON.  
JOSEPH COUTURE.  
LOUIS GODBOUT.

No. 24.

*Answers of Francis Gray, Murray Bay, to the questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

MALBAY, 4th JULY, 1842.

1.—I am a proprietor in the Seignior of Murray Bay, and that of Mount Murray.

2.—For the last twenty-two years.

3.—The Seignior Fraser.

4.—I have no deed of concession in my possession; it is in the hands of Mr. Caron, Advocate, at Quebec.

5.—I have no deed of concession in my possession; it is in the hands of Mr. Caron, Advocate, at Quebec.

6.—I have none.

7.—I have none.

8.—I do not know.

9.—I possess 1st.: An *emplacement* near the public front on the *batture*, in the Seignior of Mount Murray, of about two *arpens* in front by about sixty feet in depth, which has been formed by wharves and by labour; 2nd. A land of five *arpens* in front by forty in depth, situate in the Seignior of Mount Murray; 3rd. A concession along the river, and others in the concessions, which it would be too long to detail.

10.—Yes; and to my knowledge the greater part of the inhabitants did so from compulsion, and those who would not take out their *titre-nouvel* were sued; the Notary was Charles Pierre Huot

11.—I have heard a great number of *habitans* say that the Seignior would charge them with new rights; and they complained of having to pay for this *titre-nouvel*.

12.—In general.

13.—Two in the Seignior of Murray Bay, and one in the Seignior of Mount Murray.

14.—They served for all those who wished to employ them.

15.—I think that these mills were not built for the

use of the *Censitaires* alone, but as a speculation of the Seigniors.

16.—About; and at most, from three to four hundred pounds currency.

17.—No; with the exception that the Seignior of the Seignior of Mount Murray, once threatened to take by *retrait* a lot bought at Sheriffs sale.

18.—Yes.

19.—I know nothing of this.

20.—Rarely.

21.—Yes; and the generality of the inhabitants are very desirous of getting rid of these Seigniorial rights.

22.—Yes, these reservations are made although there is no oak to be met with in our Seigniories; the Seigniors take other wood, and the best, where they please on each individual land.

23.—Yes.

24.—I am yet young, and have only possessed land for a few years back. I have not yet thought it expedient to do so, nor am I aware that any have. Even although I had done so, I know to a certainty that it would not have been granted me.

25.—For my own part, I should prefer the free and common socage, but a great number of the *Censitaires* are incapable of obtaining it.

26.—It is desired, but I am not aware that application has been made in due form to the Seignior.

27.—Yes, and the buildings are ten times more valuable than the *emplacement*.

28.—Yes.

29.—The generality of the *Censitaires* are most anxious to free themselves from these *lods et ventes*, as well as all other rights mentioned in the question, and the reason is, that the Seignior in taking his forty *sols tournois* for each *arpent* of land, receives enough, inasmuch as he has reserved to himself under the name of domain, a large extent of land, and that of the best quality.

30.—Anciently, the lands were conceded at three *arpens* by forty in depth, without any keeping up of roads and *corvée*, but at the rate of forty *sols tournois* for each *arpent* in front by forty in depth. At present, the Seignior concedes lands of three *arpens* by thirty, at two shillings, subject to give a great number of days to the Seignior, for keeping up the public roads on the domain, which are very considerable and very onerous to the *Censitaires*.

31.—I know nothing on that subject. I know very well that it would have been useless to do so: the power of the Seignior is too great.

32.—I know nothing with respect to this question.

33.—I do not know the present deeds; but the amount of *cens et rentes* and other charges and reservations for the Seignior, is much higher than anciently, by the present rates, and the charges and reservations stipulated in recent concessions. I refer to No. 30.

34.—I know nothing about this.

35.—I am not aware that any one has brought an action with this view; but the Seigniors of both Seigniories have refused.

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- 36.—I know nothing about this.
- 37.—All that I know is, that they have frequently refused.
- 38.—To the best of my knowledge, this matter has been represented, and a petition sent in to the House of Assembly.
- 39.—I think so, under the above mentioned tenure.
- 40.—After mature consideration, I should wish to be freed from it, and the reason is, that I have suffered much from it by the disbursement of money to the Seigneur for his Seigniorial rights. I cannot suggest any other means than those above mentioned.
- 41.—I am unable to fix upon, or point out to you any plan.
- 42.—I think it might be possible to reduce the Seigniors to the rent mentioned above, without abolishing the Seigniorial system. For, many *Censitaires* say, that the Seigneur has told them, that these Seigniorial rights, as far as relates to the *lods et ventes*, did not belong to him, but that he took them because the law allowed them.
- 43.—I think so; but would rather that the question were decided by the law.
- 44.—It is beyond my capacity to decide this question, and give the required details.
- 45.—Having no deed of concession, I cannot procure this list. I have only deeds of purchase by *habitans*, and one by the Seigneur Fraser.
- 46.—The value in money might be, in my opinion, two shillings an *arpent* for good lands, and less in proportion for bad lands.
- 47.—The rate in money may amount to four or five pounds currency, without including the *lods et ventes*, which it is difficult to fix the value of.
- 48.—I have omitted some things, and will now detail them. Having bought, ten years ago, from the Seigneur Fraser, a land for the sum of eight hundred pounds currency, which land is three *arpens* and three quarters in front by 40 in depth, wild land (*en bois debout*) on which land is a *banal* mill, I suffer great inconvenience and loss therefrom; the said mill taking from me twelve superficial *arpens* of land without any benefit or revenue whatsoever, and in fact doing me harm, as I am charged with keeping up the fences, the water-course, bridges, public roads, and all other things enumerated in the deed of concession.

I have had conceded to me by the said Mr. Fraser, Seigneur, eight *arpens* of land in front by thirty in depth, of no value whatever. Being obliged to return them to the domain, the said Mr. Fraser charged me, and took from me, nine pounds for the re-union of the said lands to the domain, although I had not made any alteration in them, or done any injury, or even cut a single stick of timber. I complained: it was useless. Such is the justice of our Seigneur.

A *Censitaire* in the Seignior of Mr. Nairne, owed me £27, he owed also three or four pounds to the said Seigneur for *lods et ventes*, on a sale which was declared null. He did not spare this poor *Censitaire*; he persecuted him, and sued him at different times, and finally, in the superior term, obtained judgment, and caused a compulsory sale of his moveable and immoveable property: the produce of the sale was not sufficient to satisfy the *lods et ventes* and costs: so that I lost my £27.

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I made an arrangement with the said Mr. Nairne, with reference to a Sheriff's sale of land, inasmuch as I was in doubt whether there were not heavy arrears. Afterwards this Seigneur claimed *lods*, arrears and mutations, for about eighteen consecutive years, for the amount of which, he made me consent to a promissory note, before the sale. In consequence, he thereby carried off the best part of the money produced from the sale, and I lost altogether the money I had advanced.

I say moreover, that in both Seignories, between the first and second concessions, there are considerable gores of land which the Seigniors will not concede. They make the *habitans*, at their own expense, keep in order the fencing and water-courses.

I possess also in the Seignior of Mr. Nairne, an *emplacement à titre de bail emphytéotique* for fifty years; for which *emplacement* I paid £50. The said Seigneur Nairne required me to pay one-twelfth for *lods et ventes* over and above the annual rent of two pounds. The land is about one *arpent* square, and of very inferior quality. Such is the justice of Mr. Nairne.

We have no right to build any mill whatever on our lands, without paying a large sum to the Seigneur. Justice again!

I have seen the *lods et ventes* in ten years, surpass the amount of the sale, in the Seignior of Mr. Nairne.

In 1841, Mr. Fraser, the Seigneur, gave me a verbal permission to cut building timber in his Seignior, on condition of my paying him about the tenth. After I had cut and taken away the said timber, he was not ashamed to ask of me from half a dollar to five shillings for each stick, which I was obliged to pay.

The whole humbly submitted.

(Signed) FRS. GRAY.

No. 25.

*Answers of Louis Hervey, Isle-aux-Coudres, to the questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

ISLE-AUX-COUDRES, 9TH JULY, 1842.

- 1.—Yes, in the Seignior of the Gentlemen of the Quebec Seminary.
- 2.—For about thirty years.
- 3.—It was from persons of the names of Villeneuve and Savard, and they were in the enjoyment of it as far back as I can remember.
- 4.—Yes, but I cannot procure it.
- 5.—I am unable to answer this question.
- 6.—Yes, but I cannot procure it.
- 7.—I am unable to answer this question.
- 8.—No, there is no difference.
- 9.—1°. Three *arpens* of land in front by fifty in depth, situate in the first range of the said parish of St. Louis de l'Isle-aux-Coudres. 2°. Three *arpens* and a half of land in front, by twenty-seven in depth, situate in the second range of the above said parish.

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10.—Yes, about sixteen years ago, and that before the Notary Bernier, who was employed for this purpose.

11.—Yes, against all the best timber being reserved by the Seigniors on all lands by them conceded.

12.—To my knowledge a great part of the *Censitaires* complained.

13.—One.

14.—Yes.

15.—Only as a banal mill.

16.—I cannot answer this question, as I do not know the value of the said mill.

17.—No.

18.—Yes, it is considered as very onerous.

19.—None, to my knowledge.

20.—Not to my knowledge.

21.—Yes, I consider it as very onerous, and every one complains of it, and is most desirous of getting rid of it.

22.—Yes.

23.—Yes, it is burdensome, and it is generally complained of.

24.—No, nor any one to my knowledge.

25.—I should like to commute the Seigniorial Tenure for that of free and common soccage.

26.—Not to my knowledge.

27.—Yes, I think so.

28.—Yes, and it is generally complained of as being very hurtful and prejudicial to public advancement and improvement.

29.—I can make no such suggestion, as I wish to leave that to the discretion of the Commissioners.

30.—Not to my knowledge.

31, 32, 33, 34, 35, 36 & 37.—No.

38.—There was once a complaint made to my knowledge, before the constituted authorities in this country, against the right of *lods et ventes*.

39.—I think so, and refer to my answer No. 25.

40.—In my idea, the plan would be to abolish the right of *lods et ventes*, *banalité* and *retrait*, and to offer the Seigniors the capital or principal of the rent which is paid.

41.—In my idea, the plan would be to abolish the right of *lods et ventes*, *banalité* and *retrait*, and to offer the Seigniors the capital or principal of the rent which is paid.

44.—I have not considered it sufficiently to be able to offer any remarks.

47.—In my idea, the plan would be to abolish the right of *lods et ventes*, *banalité* and *retrait*, and to offer the Seigniors the capital or principal of the rent which is paid.

48.—As to the right of hunting and fishing which the Seigniors possess on the beaches, I consider it as most burdensome and injurious to the public progress and improvement. Every one complains of it, and is most anxious to get rid of it, since they go so far as to exact every third porpoise which we take in our fisheries, which cost us much expense and trouble. Even if this right were not wholly taken from them, I should think, in common with every one else in our parish, that one out of twenty would be sufficient for them, inasmuch as they do not in any way contribute to the expense.

The whole humbly submitted by the undersigned.

(Signed) LOUIS HERVEY.

No. 26.

*Answers of Mr. Charles Robertson, of Point Levi, Seignior of Lauzon, to the Interrogatories submitted to him by the Commission of Inquiry on the Seigniorial Tenure.*

POINTE LEVI, 13TH JULY, 1842.

1.—I am in the Seignior of Lauzon.

2.—Since the year 1831.

3.—Thomas Wilson, Esquire, Quebec, who had it about twenty years.

4.—I am in possession of the original deed of concession by the Honorable Henry Caldwell, Esquire, Seignior *de la Côte Lauzon*, in favor of Charles Gerard, of date 7th March, 1798, to pay yearly *quatorze liures huit sols, rente foncière*, and six *sols de cens*.

5.—Passed before R. Lelièvre, Notary Public.

6.—I am not.

9.—Three arpents by thirty, in the fifth concession. I possess several other pieces of land which pay about the same proportion of yearly rent.

11.—I did not, and do not know if others did.

14 & 15.—Some of them for grinding grain generally.

16.—I cannot say, never having visited any of them for the purpose of knowing their value.

17.—None.

18.—Generally it is so considered.

19.—None to my knowledge.

20.—Of very rare occurrence.

21.—I consider the right of *lods et ventes* as onerous and burdensome to *Censitaires* and often complained of, and the *habitans* are desirous to be relieved from the payment of this right, but generally would not give much to be so relieved.

22.—There is such a clause.

23.—It is not very burdensome in this neighbourhood, nor does it impede the clearing of land as the Seignior always pleases himself with what he can get on the uncleared land; it is complained of in some places.

24.—None have applied to my knowledge.

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25.—I have not as yet applied for a commutation of tenure; but would have no objection to commute the Seigniorial Tenure into some other; but as I do not properly understand the tenure of *Franc alleu roturier*, I am not at present prepared to say which I would prefer.

26.—I never have, nor am I aware of any other *habitant* having applied.

27.—I do so consider *lods et ventes*, in cities, towns and populous villages; and buildings do often amount to double the value of the lot bare, and without buildings.

28.—It is complained of in such cases.

29.—I must acknowledge that my time has been more taken up with schemes to ameliorate the quality of my land than to change tenure; but in my humble opinion, any scheme of commutation whereby the right of *lods et ventes*, &c. might be extinguished, will only be just and equitable in as far as it is rendered optional and voluntary to all parties; and a matter of negociation between Seignior and *Censitaire*.

30.—None to my knowledge.

34.—They have not.

39.—In many cases it would, and in others it would not; that is the reason why I think any change should be optional. As to what other tenure, as I said before, I do not consider myself at present competent to give any opinion.

40.—In as far as the Seignior does not require more from the *Censitaire* than he has a right to do, I could not recommend any other scheme than voluntary commutation of all parties concerned.

41.—Let the Seignior and *Censitaire* agree between themselves for a certain sum of money, the interest of which to be paid by the *Censitaire* until he shall pay the capital.

42.—Let the *Censitaire* pay to the Seignior a stated sum of money to be agreed upon between them, in lieu of the many pretended heavy burdens, which he may feel most disposed to free himself from.

43.—In my opinion, the appointment of arbitrators should be the last thing to be done, nor would I recommend it, unless agreeable to both parties.

44.—The Bill to provide for the voluntary commutation of the Seigniorial Tenure, in the Seigniories of Lower Canada, if passed into a law, would in my opinion meet the wishes of the people; if it be as I understand it, voluntary, optional.

45.—The rent, as stipulated in the deed of concession, in money, nothing.

46.—The value in money of those rights must vary much according to the locality; the most equitable mode is mutual agreements.

47.—I am not at present prepared to say.

48.—In my opinion, the Seigniorial Tenure except in cities, towns and populous villages, does not tend much to retard the improvement of the country, but, it tends to keep the *habitants* generally at a distance from the two extremes of superabundant riches and abject poverty so visible in some other countries; and I have no doubt but your Honorable Board will find that the Seigniors will generally be more willing to

commute, and in many cases enjoy what in the present state of the case would have come only to their successors, than the *Censitaires* will be found willing to commute and pay what in many cases would have to be paid by their successors.

From the above answers to their questions, I hope the Honorable Board will feel convinced that I have done my best to comply with their desires. They will also see that there are some of these interested who do not think that it would be either just, advantageous or prudent, generally speaking, to force such a measure upon either of the parties interested.

(Signed) CHS. ROBERTSON.

No. 27.

Answers of Jean Bte. Pouliot, Esquire, of Saint Patrice de la Rivière du Loup, Notary, to the Questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

RIVER-DU-LOUP, 15TH JULY, 1842.

1.—Yes, in the *Fief* and Seignior of River-du-Loup.

2.—For one year.

3.—Joseph Larue, who was in possession for four years.

4, 5, & 6.—No.

7.—I do not know.

8.—No, I have neither of these deeds.

9.—Two *arpens* in front by forty in depth, in the third range of the concessions of the parish and Seignior of River-du-Loup.

10.—I am aware, though not from personal knowledge, that they were taken out in 1825 and 1826, and I have them at present in my possession as Agent of this Seignior. The Honorable J. B. Taché was the Notary employed for this purpose.

11.—I know nothing about it; but from what I hear said daily, I do not think there were any complaints then made by these *Censitaires*. I have myself passed some lately which had not been taken out, and the only thing about which the *Censitaires* complained was the reservation of timber. I may also add to this answer, that the *Censitaires* in general are under the impression that the Seignior may concede or may cause *titres-nouveaux* to be taken out on such conditions which it may please them to put in the deeds.

12.—The answer to this question is contained in the preceding.

13.—Two.

14 & 15.—Yes.

16.—That which is erected on the River du Loup in this parish is worth about £3,300, and gives about £200 yearly rent to the Seignior under a lease. And that which is in the parish of St. André is worth about £3,000, and gives about £160 annual rent to the Seignior under a lease.

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17.—Yes, at Sheriff's sale. The Seignior did not take it by *retrait*.

18.—Yes, it is generally complained of, and I consider it as very onerous to the *Censitaires*.

19.—No, but the Seigniors often exercise this right in order to cede the property to some one else, either selling it with a profit or sometimes merely to please a friend.

20.—It has been but very rarely exercised in this Seignior.

21.—Yes, all the *Censitaires* complain of it. The *Censitaires* are all desirous of freeing themselves from the right of *lods et ventes*; but they would not much like to commute for it with their Seigniors unless this commutation were very advantageous to them, and would cost but a moderate sum. For, although all the *Censitaires* complain of this right, there is not one, nevertheless, who would like to pay a very large sum to free himself from it, inasmuch as they do not consider that it is he who sells who suffers from it, but the purchaser. I am also of this opinion, and I think that, supposing that this right were done away with, property would not be sold at a higher rate, and such is the case in the *Fiefs* that are in the midst of Seignories.

Another reason is, that each *Censitaire*, looking forward to keep his property for his family, would not consent to pay for that which he hopes never to owe. Those who are under the necessity of selling are poor persons, who could not offer compensation.

22.—Having purchased this property by adjudication at Sheriff's sale, I have had no title for it, and the Seignior having made no opposition, I cannot say whether this reservation had been made; but I know that it was stipulated in the concessions made since Mr. Caldwell's mills were established here.

23.—Yes, it prevents the *Censitaire* from clearing his land, by depriving him of the assistance which might be afforded him by the timber which is reserved, and obliges him sometimes to go a long way to purchase some elsewhere for his own buildings. It is considered that this reserve tends to favor the monopoly of those who trade in timber, (at least in this Seignior,) who sell only the bad timber which they cannot export.

24.—No.

25.—I should have no objection to commute the Seigniorial Tenure for that of *franc-aleu roturier*, provided that this commutation were made on reasonable conditions, but I do not think that the *Habitans* or *Censitaires* would consent to an entire commutation of the Seigniorial system, and the greater part of us could not do it, having hardly the means of paying the ordinary *cens et rentes*.

26.—No.

27.—Yes, the value of the buildings erected on the *emplacemens* in the village of this parish is much more than double that of the *emplacemens*. Lately, a property which only pays twenty shillings a year, ground rent, was sold for £281.

28.—Yes.

29.—The rights mentioned in this question are the only ones that should be attempted to be commuted and abolished, and these are also the only rights that are complained of in this Seignior, and in the others

which I have had occasion to go into. The method of abolishing these rights, would be to commute them for a rent similar to that of the *cens et rentes*, paid by each property, and redeemable by the *Censitaire* at pleasure. In suggesting this plan to the Commission, I have to inform them that from a calculation made of the present revenues of this Seignior, under the existing system, as compared with that proposed above, the Seigniors would lose nothing at all; it might even happen that they would in some years receive more than they do under the present system, at least in this Seignior where it would not at all affect the right of *banalité*; which by adopting this plan might even be allowed to exist, by making some few reforms in it.

30, 31, 32, 33, 34, 35, 36, 37 & 38.—No.

39.—No, and the *Censitaires* do not ask a change of tenure, but only to be freed from certain rights which are onerous to them, and I may mention, in support of this opinion, that there are behind this Seignior two townships, in which some *habitans* have settled, who cultivate their land in hopes of having these lands granted to them, like those of this Seignior which adjoins them; and that if these townships were given out in concessions they would be seen almost wholly cultivated before two years; but on the conditions on which the crown lands are sold, these townships will not be cultivated for many years; a part even of the people who are now farming there would be compelled to abandon their lands, if they were obliged to pay for them at the rate of four shillings an acre.

40.—Yes, by adopting the plan which I spoke of in my 29th answer, and fixing the rents at a reasonable rate which the Seigniors could not advance upon.

41.—No.

42.—Yes, either by adopting the plan which I have mentioned in my answer to the 29th Question, or by reducing the right of taking *lods et ventes*, to taking them only on the value of the lands without regard to the buildings, and by taking also the *lods et ventes* only on the value of the land, in case of donation *inter vivos* without regard to the life-rent: for, it very often happens that in these cases the *lods et ventes* with the suits at law which arise, end by exceeding the value of the land; and he who gave it is left without means of existence.—If this plan were adopted, a proviso might also be added, to the effect that the donor should be preferred to the Seignior for the rights which would become due after the donation; and in this case I think that the right of *retrait conventionnel*, and the reservations of timber should be abolished, and that of *banalité* should be allowed to remain with some few changes.

43.—Admitting that, I think that the nomination of arbitrators will give rise to many difficulties, which it would be necessary to avoid by fixing the rate of commutation.

44.—Yes, I have seen this bill, but I do not think that, if it were to become law, it would meet the approval of the *habitans*, who ask only to be freed from certain rights, and not that the Seigniorial system should be altogether changed.

45.—Having no title, as I have already observed, I pay the Seignior only the ordinary rent of the other lands of the Seignior, that is, 2s 6½d per *arpens*.

46.—If this mode were recommended, I think the most equitable way would be to form the principal of the *cens* and the value of the *lods et ventes* into a capital bearing interest as I have already said, which might be redeemable. See the 29th answer.

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47.—That which I have just pointed out in my preceding answer.

48.—I have nothing to add, except that I must observe to the Commission that in the bill above mentioned, there is a certain clause which would exact that the fifth of what the Seigniors would receive, if this bill should become law, should be transmitted to the Receiver General to form part of the public funds. I think it would be better to deduct this fifth from what the *Censitaires* would have to pay. The public fund does not lose much by changing the Seigniorial system, for it is notorious that the right of *quint et relief* is but very rarely paid. We have here the Seignior of Lake Temiscouata, which has been sold for a considerable sum, and it cannot be made out who is the present proprietor. No information can be got from the honorable *custos* of the land-rolls of Her Majesty; the answer is that the owner is not known, and they keep quiet.

The whole nevertheless humbly submitted.

(Signed) J. B. POULIOT.

No. 28.

*Answers of Jean Pierre Proulx, Esquire, of Ste. Marie Nouvelle Beauce, in the District of Quebec, Land Surveyor, to the Questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.*

28TH JULY, 1842.

1.—Do you know the Seigniories along the River Chaudière, in the District of Quebec; and can you furnish the Board with information respecting their settlement?—I know all the Seigniories along the Chaudière River, and I would estimate the number of acres of unconceded lands in that part of the country, at 107,440 acres, three-fourths of which are good soil.

2.—To what cause do you ascribe the non-settlement of those lands?—I attribute it chiefly to the refusal of some Seigniors to grant their lands, and to the exorbitant rents they ask for them. For instance I would mention the Seignior of St. François, Nouvelle Beauce, where the Seignior Mr. De Léry, refused to grant lands, and I have been often requested by the inhabitants to draw up a petition to the Government in their behalf, in order to force the Seignior to grant. In Aubert Gallion, the non-settlement of lands is certainly due to the exorbitant rent which the Seignior asks. As far as I can recollect, the Seignior Mr. Pozer, insists on the payment of a rent of four bushels of wheat for every eighty *arpens*, and ten shillings in money, at the Seignior's choice.

3.—What do you consider the average rate of *lods et ventes* in Seigniories?—*Lods et ventes* generally amount to about one-fourth of *cens et rentes*, and this is the opinion of some Seigniors.

4.—What in your opinion would be a fair compensation to the Seignior for the surrender of his rights?—I think that if the Seignior was allowed five shillings for every superficial *arpent*, it would be a sufficient indemnity for all his rights. And from the conversations which I have held with some *Censitaires*, they seem to agree to it. It would be difficult to base a system of commutation on the specific value of each property, for, there are Seigniories where the alienation of property does not take place once in a century, in others, mutations are much more frequent, particularly in new establishments. I am proprietor of land held *en roture*

only, on which a very small rent is imposed. I would nevertheless voluntarily give five shillings per superficial acre, to be free of all Seigniorial burdens. I think that a valuation per acre would obviate many difficulties, and among others, that would arise in the estimation of tilled and unimproved lands, were the Seignior might reasonably expect a prospective increase of value. I have bestowed some attention on the subject, and I adhere to this scheme as the most practicable; the difference of soil would however require a departure from a uniformity of price.

No. 29.

*Answers of Juchereau Duchesney, Esquire, of Ste. Catherine de Fossambault, to the Questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.*

25TH JULY, 1842.

1.—Do you own any, and what Seigniories?—I own the Seigniories of Gaudarville and Fossambault, in the District of Quebec.

2.—What is the extent of those Seigniories?—Gaudarville is one-half league in front by four in depth. Fossambault is three leagues by three.

3.—Are the lands all taken in your Seigniories?—No; there are about 10,000 acres of unconceded lands in Fossambault, but the quality is not very good.

4.—What is the rate of concession in your Seigniories?—Gaudarville being an old establishment, lands are granted after the old rate. In Fossambault, the modern grants are four pence per superficial acre. I estimate the annual amount of rents and *lods et ventes* in Fossambault at £400; in Gaudarville, £90.

5.—Have you any *banal* mills?—In Gaudarville, one mill-site with right of *banalité*, is let for £100 per annum. In Fossambault, I have two *banal* mills, one of which brings £50, the other about £90, annually.

6.—Can you inform the Board what you would consider an equitable basis of commutation?—I think that the *cens et rentes*, might be converted into a capital of which they would form the interest at six per cent; as to the right of *lods et ventes*, I consider that one sixth of the value of new lands, and one-twelfth of that of old grants would indemnify the Seignior for the commutation of those rights. The right of *banalité*, I would value at £2 for each lot. All mill-sites of grist and saw mills, are reserved in my Seigniories.

30.

*Answers of Miville De Chêne, M. D., Isle d'Orléans.*

(Translation.)

STE. FAMILLE, 25TH JULY, 1842.

My dear Sir,—Notwithstanding the ardent desire which I had to answer the letter which you did me the honor to address to me about two months ago, immediately upon receiving it, my professional and other engagements prevented me, nevertheless from satisfying my wish at that time, and allow me at present only a

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few minutes to give a hurried and merely partial answer.

I am not proprietor of a land but of a large and superb *emplacement*. I shall, however, give you my opinion on the following points only.

1.—There are on this island five banal mills (nominally) one in each parish, which are in operation only for a small part of the year, and are of little advantage to the *Censitaires*, from the shortness of water, and for this reason I am of opinion that as they do not give general satisfaction, the *Censitaires* ought not to be strictly confined to them.

2.—The right of *retrait conventionnel*, in general, if very frequently exercised, is most assuredly very onerous to the *Censitaires*, and moreover, I think, most unjust, and ought to be abolished.

3.—The right of *lods et ventes* is generally considered very onerous to the *Censitaires* and very unjust; chiefly when it is exercised on improvements or buildings made on a land or *emplacement*; for example, that which I have lately bought was then sold for the fourth time, and the *lods et ventes* have increased in proportion to the improvements made thereon, which augmented its value by two thirds; and this appears to me to be almost a robbery. I think moreover, that a person giving, as a donation, his property to his brother or other near relations (he himself having no children) should not have to pay *lods et ventes* to the Seigneur. Nevertheless, I should not desire the complete annihilation of the feudal law. The Seigneur has sometimes taken property by *retrait* from one to please a relation or a friend by receding it to this latter, which is also unjust. I may also state that the Seigniors very often avail themselves of this right for purposes of revenge.

4.—The right of exacting *lods et ventes* on sales, or acts equivalent to sale, of *emplacements* in towns is very onerous, and in general most prejudicial, and the value of the buildings built thereon is always greater than that of the land or *emplacement*.

5.—The right of *lods et ventes*, in similar cases, is most certainly prejudicial to industry and improvement, and to the advancement of the lands or *emplacements*, and it is generally complained of.

6.—There are not, on the part of the Seigniors, specific reservations of timber, but they assume the right of taking, wherever they think proper, the timber necessary for the construction or repair of their mills; and they reserve to themselves, in different places, whole *arpens* of standing timber for their own necessities, and the *Censitaires* complain a great deal about it, especially of their choosing the best of the timber, and leaving the ground in an incumbered state, and not fit for making new land out of. They desire at least that the Seigniors should leave the said portion of land, thus reserved, very clean; or, better still, that the right of reservation, if they have any, should be taken away from them.

7.—The Seigniors ask much higher per *arpent* for new and uncultivated lands, than they ask for those that are old and cultivated, viz:—1s 8d per *arpent* for these latter, and 5s and even 7s 6d for the former; which is very unjust, and hinders the young people from spreading and establishing new settlements, to the advantage and improvement of the country.

8.—A general change for the better in the tenure of lands is, in general, much desired; and the only plan which I could venture to give to the Commission would be to improve the whole, and not to leave so

many unjust rights in the hands of the Seigniors, who are a sort of little kings of the land, knowing too often and but too well how to get the advantage of us poor *habitans*.

9.—I think that just and conscientious arbitrators, and who are well acquainted with the oppressed condition, in this respect, in which our *habitans* are suffering, might effect an amicable arrangement between the respective parties.

10.—I think it would be very difficult to estimate the value of the Seigniorial rights, and the whole amount would be too heavy for one person; while the whole diminished and improved would appear less to be paid by each proprietor.

If the time permitted me, I should enlarge upon this subject, which requires close attention, since the happiness of our *habitans* and the advancement of our poor country depend upon it; but for this reason I shall confine myself to the little which I have written, which I pray you to accept, and to believe me, at the same time

Your devoted servant,

(Signed) MIVILLE DE CHIENE, M. D.

To J. E. TURCOTTE, Esquire,  
Secretary of the Commission of Inquiry  
on the Seigniorial Tenure, Montreal.

No. 31.

*Letter from M. de Sales Laterrière, Eboulemens.*

(Translation.)

ÉBOULEMENS, 26TH JULY, 1842.

SIR,—In answer to the Questions which you have transmitted to me on the part of the Commissioners, I must take the liberty of telling them what they know as well as I do myself:—1<sup>o</sup>. That Lower Canada is not represented in Parliament in proportion to its population, and has but a nominal share in the revision and completion of the laws of the United Provinces.—That the Inquiry authorised by the Legislature in the last Session, and solicited and obtained under the specious names of civilization and industry by one or two representatives of the District of Montreal alone, at the very time of the monstrous constitution of the representation of the two Provinces, ought to open the eyes of the inhabitants of Lower Canada, and make them dread new spoliations, especially on the part of the majority of the representation, prejudiced as they are against institutions of French origin, and among others, against the practical advantages of a tenure of which they know nothing. /

The gentlemen of the Commission are not ignorant that an Inquiry of the same nature with that which they are now instituting, has already been made by a Committee of the House of Assembly of Lower Canada in 1821, presided over by the late Andrew Stuart, a man of education, but above all, of integrity, and perfectly *au fait* in this delicate question, and that a Report of this Committee, in favour of the Seigniorial system, in preference to a free tenure, borne out by the evidence of numerous persons of all classes, and approved by the Representatives, put an end to the outcry of a few adventurers. This Report is a conclusive document upon a question solemnly decided. It was then, and is now, the exactions of some

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speculators, become Seigniors of the finest and most fertile Seigniories of the country, and of the Seignior Suzerain by his Agents, and still more the silence of our Courts of Justice on the illicit acts of those persons which have brought this system and its protecting laws into disrepute. The complaints which have been raised against the Seigniorial Tenure should have been brought only against these exactions, and against the lethargic slumber of the executive authorities, in allowing the ancient ordinances and our customary law to fall into forgetfulness and contempt. Besides these, we have the proprietors of large tracts of land in the townships, who not wishing to part with them but at a high price, have for a long time back observed with a jealous eye, and evinced the utmost interest in abolishing the Seigniorial Tenure, which keeps these speculators in check and lowers the price of the lands which they have for sale.

The Seigniorial Tenure, as the gentlemen of the Commission are well aware, is the most advantageous, the easiest, in fine the most equitable arrangement which could be acted upon in a new country like this, where the poorest man may become a landed proprietor without capital, and may, with the least industry, raise his family to the most absolute ease and independence. It is the Seigniorial Tenure which is favorable to the poor, and not the much more onerous system of free and common soccage, which is really so only to the rich, and which moreover gives them the means of enslaving the poor, and, at the expense of these, making their own fortunes.

The maximum of *cens et rentes* paid me by my *Censitaires*, (and I believe it is uniform in all the Seigniories of this country) is three *sous* yearly for each superficial *arpent*. The minimum at which the Crown disposes of its lands at present is four shillings per acre. Between these two extremes the choice is not difficult, and the great good sense of the *habitans* of the country, whatever may be said of them, has caused them for a long time back to make this choice; and the proof that they understand this question as well as those who interest themselves in it without their participation is, that they continue to settle in the Seigniories, even on the worst lands, in preference to better lands in the townships, for reasons which I shall state in detail. It is that state of independence which they enjoy in the Seigniories, the patrimony, in a word, of the French Canadians, which is sought to be taken from them. The causes which have prevented the *habitans* of the country from settling out of the Seigniories or Townships granted for the most part to the responsible creatures of the Colonial Government, are, their ignorance of the laws which regulate the tenure in free and common soccage, and their want of capital to purchase these lands. To these may be added the reserves for the Crown and Clergy (absurd reservations, which have only begun to disappear from this ill digested code since 1827,) the want of roads, and the necessity of opening them, even on the Crown and Clergy Reserves, the parties owning which were not obliged to open a communication for their neighbours, nor to make and keep up roads on their respective lands. It is these causes (fully detailed in the Report of the Commission of Inquiry appointed by the Right Honorable Lord Durham, 21st June, 1835, on the subject of Immigration and the Crown Lands,) and the innumerable difficulties in obtaining titles for these lands in the public offices, which have, so to speak, closed the door and prevented the Canadians from settling in the Townships; the inevitable consequence of a system so little adapted to a new country like this, where men have no capital but their hands, has been the impoverishment of the Canadians by the subdivision of lands among the heirs in the Seigniories, where the law of primogeniture is, happily, not yet in

force, nor will ever become so, I hope, as long as the French laws, which here regulate proprietorship, are maintained.

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As to the questions of pure curiosity, for which the gentlemen of the Commission, and you, Sir, likewise, will be well paid, I have neither the inclination nor the time to answer them.

I have the honor to be, Sir,  
Your most obedient Servant,

(Signed) M. DE SALES LA TERRIERE.

J. E. TURCOTTE, Esquire,  
&c. &c. &c.

No. 32.

*Answers of T. C. F. Simon, Censitaire in Malbay, to the questions of the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

MALBAY, 30TH JULY, 1842.

1.—I am a proprietor in the Seigniorie of Murray Bay and in that of Mount Murray.

2.—For about twenty-three years.

3.—J. B. Dassylva; he was in possession for about twenty years.

4.—Yes, but it is impossible for me to give you a certified copy of all my titles. Nevertheless, if you wish to see them, I can send them to Mr. Caron, Advocate, at Quebec.

5.—See the preceding answer.

6 & 7.—Same answer.

8.—I have never given attention to that, for I have farmers who perform all the servitudes; but I have heard it said that we were more heavily charged by these *titres-nouveaux* than we were by our ancient titles.

9.—I possess—1st. Four *emplacements*, the first of which is four perches by about eight; another of the same extent; another of forty feet by about eighty; and another of four perches by three, in the Seigniorie of Mount Murray; and also a land of four *arpens* and six perches and a half by forty *arpens* in depth, another of two *arpens* by thirty; another of two and a half *arpens* by thirty; another of one *arpent* and a half by thirty; another of two *arpens* by about twenty; an *emplacement*, (on which is a saw mill) of six *arpens* in superficies; another of about four *arpens* by about twenty-five; another of four *arpens* by thirty, also in the Seigniorie of Mount Murray, all built on; another of four *arpens* by forty, also built on, in the Seigniorie of Murray Bay.

10.—Yes, about twenty years ago, and the greater part of the *habitans* did so from compulsion, and those who did not wish to take their *titre-nouvel* were sued. The Notary employed was Chas. P. Huot.

11.—I have heard it said by a great number of *habitans*, that the Seignior imposed new charges upon them, they complained also of having to pay for the *titre-nouvel*, and I complained of it myself.

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13.—Two in the Seignior of Murray Bay, and one in the Seignior of Mount Murray.

14.—They serve for all those who wish to employ them.

15.—I think that these mills were not built for the use of the *Censitaires* alone, but also as a speculation of the Seigniors.

16.—About (and at most) from three to four hundred pounds, currency.

17.—No, with the exception that the Seignior of the Seignior of Mount Murray threatened to exercise the right of *retrait* on several lands purchased at Sheriff's sale.

18.—Yes.

19.—I have paid on various occasions about £20 of *lods et ventes*, to prevent the right of pre-emption (*retrait*) from being exercised, in the Seignior of Mount Murray.

20.—Rarely.

21.—Yes, and the generality of the *habitans* are most anxious to get rid of these Seigniorial charges.

22.—Yes, these reservations are made, although there is no oak to be met with in our Seigniories; the Seigniors take other timber and the best, wherever they like, on each land individually.

23.—Yes.

24.—Never to my knowledge.

25.—For my own part, I should prefer the free and common soccage, but a great number of the *Censitaires* have not the means of commuting.

26.—It is desired, but I am not aware that application has been made in due form to the Seignior.

27.—Yes, and the buildings so far exceed the value of the land that my *emplacement* which was conceded for one *sol* of rent annually, is worth at present, at least, one thousand pounds, currency.

28.—Yes.

29.—The generality of the *Censitaires* are most desirous of getting rid of these *lods et ventes* as well as all other rights mentioned in the question; and the reason is that the Seignior by taking his forty *sous tournois* for each *arpent* of land has enough, seeing that the Seignior has reserved for himself under the name of domain, large tracts of land and of the best.

30.—Anciently the lands were conceded three *arpens* by forty in depth, without any obligation to keep up of roads or of *corvée*, at the rate of forty *sous tournois* for each *arpent* in front by forty in depth; at present the Seignior concedes lands of three *arpens* by thirty at two shillings, subject to the obligation of giving a great number of days to the Seignior for keeping up the public roads on the domain, which are very considerable and very burdensome to the *Censitaires*.

31.—I know nothing about that. I know very well that it would have been useless to do so; the power of the Seignior is too great.

32.—I know nothing with respect to this question.

33.—I know by the present titles that the amount of *cens et rentes* and other charges and reservations of the Seignior is much greater than it anciently was in consequence of the present rates and of the charges and reservations stipulated in recent concessions.

34.—The Seignior in conceding lands inserts in the deed an hypothecary bond for the payment of £12 if the grantee does not keep *feu et lieu* on his lands after the concession.

35.—As far as I am aware, no one has brought any action with this view; but the Seigniors of both Seigniories have refused.

36.—I know nothing about this.

37.—All that I know is that they have refused them on various occasions.

38.—To the best of my knowledge, this case was represented, and a complaint made by petition to the House of Assembly.

39.—I believe, under the above mentioned tenure.

40.—I have considered it maturely; I am desirous of being freed from it, and the reason is that I have suffered considerably by the payment of money to the Seignior for his Seigniorial rights, for I have paid the *lods* of all the lands in my possession, which amount to a very considerable sum. I can suggest no other means than those above stated.

41.—I am unable to fix upon, or point out any plan.

42.—I think it might be possible to reduce the Seigniors to the rent mentioned above, without abolishing the Seigniorial system.

43.—I think so, but should prefer the question to be decided by the law.

44.—It is beyond my capacity to decide upon this question, and to give the requisite details.

45.—I shall mention the Seigniorial charges as set forth in one of my titles: "the said land being within the jurisdiction and *censive* of the said Seignior of Mount Murray, and towards William Fraser, Esquire, Seignior of a part of the same, charged with forty *sous tournois* not subject to diminution, and one *sous* of *cens* for each *arpent* of front by thirty in depth, the whole of *cens* and Seigniorial, and irredeemable ground-rent, payable yearly to the said Seignior at his Seigniorial Manor, on the festival of St. Remi, being the first day of October; the said *cens* carrying with it *lods et ventes*, default, *saisine*, and fine when the same shall accrue, with all other Seigniorial and feudal rights, according to the custom of Paris observed in this colony; the said Seignior being entitled to take back the said land at each mutation on his reimbursing to the purchaser the price paid with lawful disbursements and costs; the tenant of the said land being held to have the corn which he may obtain from the said land, ground at the *banal* mill of the said Seignior, on pain of arbitrary fine, and of paying to the miller the toll on the corn which he may have had ground elsewhere; the said tenant being moreover held to make and keep in order his part of the road or highway leading to the crossing of the river Murray at Cape Fortin, across the domain of the said Seignior or unconceded lands, and to make and keep in order his part of the fences of the said road, or to give yearly to the said Seignior, at the option of the latter, one day of *corvée*, in place of keeping in order the said fences; the said Seignior reserving also the right of taking on the said land all

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timber, stone and other materials necessary for the construction of churches, parsonage houses, mills, manors and the enclosures of the same, or other public works, without remuneration, and also all places proper for the building of mills, to the extent of six square *arpens*, on paying a fair price according to the valuation of arbitrators to be named by the parties, if the said land be cleared and improved, and on diminishing the rent proportionally for the said six *arpens*; without power to the tenant of the said land to convey it in any manner whatsoever, or any part of the same, to any party holding in mortmain or community, or to impose *cens* upon *cens*.

46.—The value in money may be in my opinion two shillings per *arpent* for good lands, and less in proportion for bad lands.

47.—The rate in money may amount to from four to five pounds currency per annum, without including the *lods et ventes*, which cannot easily be estimated.

48.—I have made some omissions, which I will supply in detail. It happened that in two compulsory sales, by the Sheriff, of two lands, one was sold, and the other was not, because no one would bid, it not being worth the rents which it paid; the Seigneur of the Seignior in which the land could not be sold, filed his opposition on that which had been sold in the other Seignior, for arrears amounting to about eight pounds, and obtained payment for his said arrears and with the other Seigneur carried off the whole amount of the sale of the other land, so that this man was unable to pay his creditors. Such is the justice of Mr. Seigneur Nairne.

About two years ago, I bought a large extent of land of about half a league in breadth, which I paid a high price for, because I had the right of fishing, the place being well situated at the mouth of a river. The Seigneur seeing that he had lost his right of rent on this fishery, because he had filed no opposition to the Sheriff, set a net on the other side of the river and entirely barred the entrance of the fish, so that my fishery is worth nothing, and he himself does not get his expenses.

Every time I purchase a land, I am obliged to pay its extreme value in order that the Seigneur may not take it *en retrait*, so that it is impossible for us to traffic in lands.

There are *habitans* in the Seignior of Mount Murray who are obliged to perform a journey of six leagues along the coast to get their corn ground, and although they complain of it to the Seigneur, he will not build another mill which would only make two in the Seignior, which is about ten leagues in extent. Every year I have the pleasure of receiving a protest from the Seigneur about performing useless labors, as if I were his slave.

There are other things which I have omitted; but I conclude with assuring you that, in one word, the Seigniors are the ruin of the *habitans*.

(Signed) T. C. F. SIMON.

No. 33.

Answers made by certain *Censitaires* of the Seigniories of Deschambault and Lachevrotière, in the Parish of Deschambault, to the questions submitted by the Commission of Inquiry on the

*Seigniorial Tenure, to certain Censitaires of different Fiefs or Seigniories in this Province.*

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1.—We are proprietors of lands held *en roture* in the Seigniories of Deschambault and Lachevrotière.

2.—We have been in possession of the said lands for upwards of ten, twenty and thirty years.

3.—Our ancestors were in possession before us, and possessed them from time immemorial, for the most part. Some however purchased them, and others obtained them in concession, more than ten or twenty years ago.

4.—Some of us are in possession of a copy of the original deed of the said lands, and the Commission will receive some certified copies of these deeds of concession.

5.—Those who have not such titles are those who have obtained their lands about twenty years ago and upwards, and to whom the present Seigneur, Mr. Stuart, has refused to grant such titles; others possess their lands from time immemorial, and have had the said titles, but they were not returned to them after they had taken out their *titres-nouvells*.

6.—The greater part of us have taken out *titres-nouvells* about twenty or twenty-two years ago; and the Commission will receive with these presents some copies of the said *titres-nouvells*.

7.—There are in the Seignior of Deschambault a certain number of *Censitaires* who have taken out *titres-nouvells*, and to whom the Notary employed for that purpose has never transmitted copies of the said titles.

8.—The difference which exists between a great number of deeds of concession and the *titres-nouvells* is, in the first place, that in the deeds of concession for a land of two *arpens* of front, it is stipulated that the *Censitaires* shall pay two capons to the Seigneur; for three *arpens* of front, three capons; for four *arpens*, four capons; for a land of six *arpens*, six capons, for the said land; and that in the *titres-nouvells* the stipulation is, for the land of two *arpens* in front, two capons per *arpent*; for that of three *arpens*, three capons per *arpent*; and for that of six *arpens*, six capons per *arpent*, and so forth. In the second place, in the *titres-nouvells*, it is stipulated that the Seigneur reserves to himself all places proper for the erection of mills of all kinds; and this stipulation is not to be found in the original deeds of the said lands, and many of the deeds of concession give the *Censitaires* the right of hunting and fishing, which is not to be found in the *titres-nouvells*.

9.—The extent of our lands is various. Some possess two *arpens* of front, others three, &c., and as to the length, some are thirty *arpens*, others forty, and others, in fine, are less.

10.—The *Habitans* or *Censitaires* of the Seignior of Deschambault took out *titres-nouvells* in one thousand eight hundred and twenty-one, and one thousand eight hundred and twenty-two, or thereabouts; and the greater part of them did so because the Seigneur and the Notary told them that they were obliged to do so, and that those *Censitaires* who refused would be sued at law. The Notary employed for this purpose was Mtre. J. B. Taché, residing at Kamouraska in the county of Cornwallis.

11.—At the time of the passing of such *titres-*

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*nouveles* the greater part of us remonstrated against the reservation of places proper for the erection of mills of all kinds, as well as against the increase in the required number of capons; some because they lost the right of hunting and fishing, others because they were obliged by the said *titre-nouvel* "to take the corn which they might get from the said land to be ground at the banal mill of the said Seignior;" and others in fine, against the reservations of oak timber, and all other timber necessary to construct and repair the mills and manor houses of the said Seignior, as well as the buildings dependent thereon, and also against the reservation of all mines and minerals which might be found on the said lands, &c.

12.—The complaints above mentioned were made on the part of the majority of the *Censitaires*.

13.—There is only one *banal* mill in the Seignior of Deschambault, and one in that of Lachevrotière.

14.—These mills are not exclusively for the use of the *Habitans* or *Censitaires* of the said Seigniories for grinding the corn which they are required to have ground at the said *banal* mill, for they are employed indifferently to grind the corn of the *Censitaires* and that belonging to traders.

15.—See our answers to the 13th and 14th questions.

16.—We do not know the exact value of the said mills.

17.—A person named Louis Petit purchased, in 1821, a land of two *arpens* in front by thirty *arpens* in depth, situate in the fourth concession of the Seignior of Deschambault, for the sum of twenty-five pounds currency, and the then Seignior, Louis Fleury de la Gorgendière, Esquire, took the said land *en retrait* on the 11th September, 1821, and re-sold it on the same day to some one else for the same price, twenty-five pounds. The said land might be worth about the above mentioned sum; there was no other building on it but a barn, worth eighteen or twenty dollars.

18.—The right of pre-emption, (*retrait*) as exercised by the Seigniors of this Province, is considered very onerous to the *Censitaires*, because it may deprive a person of the power of settling in the Seigniories where he wishes to settle; for each time that he may purchase a land the Seignior may exercise his right of pre-emption, (*retrait*) and deprive, on the instant, such person of his projected establishment, and may repeat the exercise of the same right each time that such person may purchase another land.

19.—A person named Edouard Gauthier purchased in *emplacement* without any building, for the price and sum of twelve pounds ten shillings currency; the said *emplacement* being situate near the church of Deschambault, on which he built a house and shop, and made many other improvements; afterwards, the said purchaser wishing to pay his *lods et ventes* and consummate his act of purchase, the Agent of the Seignior informed him that by order of the Seignior, the Honorable Sir James Stuart, he should take the said *emplacement*, paying him only the price of his purchase, and not the cost of his buildings or improvements; and that he would not renounce the right of pre-emption except in consideration of a sum of twelve pounds ten shillings currency, or an annual and perpetual rent of fifteen shillings; and it was with difficulty that the said purchaser got him to consent to receive his *lods et ventes* in consideration of a sum of six pounds five shillings over and above the said *lods*

et *ventes*; this sum of six pounds five shillings was not paid on the spot, but the purchaser signed a note by which he bound himself to pay it on demand. The said *emplacement* thus sold was only worth, at the time of the said purchase, about the said sum of twelve pounds ten shillings.

20.—The right of pre-emption (*retrait*) is but rarely exercised in the said parish of Deschambault.

21.—We consider that the right of *lods et ventes* possessed by the Seigniors as at present exercised by them on each sale or mutation equivalent to a sale, is very burdensome to the *Censitaires*; it is generally complained of; but to our knowledge the *Habitans* or *Censitaires* do not desire to commute with the Seignior for it or for the other Seigniorial charges, reservations, and rents; they merely desire to see a permanent law established to compel the Seigniors to concede lands at the ancient rate (one *sou* per superficial *arpent*), to set bounds to the numerous charges and reservations exacted by the Seigniors in the concessions which they make, to establish the *lods et ventes* on a just and equitable basis; for example, on the mere land itself and not on the buildings or improvements made by a *Censitaire* on his land before he sells it; such buildings and improvements being the fruit of the labors of the *Censitaire*, the produce ought not to return to the Seignior, but to himself or his family; thus, when a land which has buildings and improvements is sold, the said buildings and improvements should be estimated, and the price or value of the same deducted from the entire price of the said land, and the *lods et ventes* taken only on the remainder of the price, which would then be the price of the land (*fonds*) without improvements or buildings. If such a law had been passed ten years ago in this Province, agriculture would derive therefrom a very considerable advantage, provided always that a Seignior were under obligation, as long as he might have lands to concede to grant them to whomsoever might ask for them either for the purpose of settling on them himself or of establishing his family thereon.

22.—See our answer to the 11th question.

23.—This reservation of pine-timber, oak, or other timber, although very onerous does not prevent the *Censitaire* from clearing his land, but it is much complained of. For it deprives, in a manner, many *Censitaires* of the probable advantage of building with more facility, as well as of the produce of the sale of the said timber which they might be able to effect and which they might employ in helping them to make the clearances and improvements on their lands.

24.—We have never applied to the Seignior with a view to obtain a commutation of tenure either into *franc alev roturier* or any other, and we are not aware that any one has done so or even desired it.

25.—We prefer the Seigniorial Tenure:—Firstly, from habit, having been brought up and accustomed to this tenure (which has been transmitted to us from our fathers) and being familiarized with its usages. Secondly, because under all other tenures the poorer sort of farmers have not the same facility of settling. Under the present tenure, provided that the Seignior is obliged to concede the lands, a person who has nothing, if he be in the least industrious and inclined to work, may take a land in concession, hire himself out for half the year, and by this means gain sufficient to support life, and employ himself the remainder of the year in working on his land, which afterwards yields him its returns; so that at the end of three or four years he is in a condition to make larger improvements, to settle thereon, and to derive from it sustenance for himself and for his family; whereas under

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any other tenure it is necessary to have money at the outset, or to subject one self to a rent which is generally so considerable that it causes the ruin of the tenant.

26.—We are not aware that lands have been asked for in the said Seigniories under any other tenure than the Seigniorial Tenure.

27.—We are of opinion that the right of exacting *lods et ventes* on sales, or acts equivalent to sale, of *emplacemens* in cities, towns and populous villages, is in its nature very onerous and more prejudicial than in its nature very generally; and the value of the buildings constructed thereon exceeds in general, more than twice the value of the *emplacement* itself.

28.—The right of *lods et ventes* is, under the same circumstances, most prejudicial to industry and commerce, and is complained of as an obstacle to public improvement.

29.—We are unable to suggest any plan or project by means of which the right of *lods et ventes* might be entirely abolished, but we would recommend a law, (as mentioned in our twenty-first answer), to the effect that the right of pre-emption, *retrait*, should be entirely abolished, for it is very onerous to the *Censitaires* and is only profitable to the Seignior in so far as it satisfies his personal animosities, as in the case cited in our seventeenth answer, or furthers an unjust and dishonest speculation, as in the case cited in our nineteenth answer; as to the reservations of timber, they should be only for the building of the manor house and the *banal* mill, and in this case the said mill should be exclusively for the use of the *Censitaires*, for grinding the corn which they are required to have ground at the said mill; and the Seigniors who reserve for themselves a very considerable portion of land which they never cultivate, should be excluded from the right of reserving any timber on the lands of their *Censitaires*, having always more than sufficient on the land so reserved by them as a domain.

30.—We have no knowledge of the fact stated in this question.

31.—Same answer as the preceding.

32.—Previously to 1815 or 1816, it was not difficult to obtain, in the Seigniories of Deschambault and Lachevrotière, lands in concession, although with many reserves on the part of the Seignior, which kept many farmers from taking such lands; but after that period it was impossible to procure any in the Seigniorie of Deschambault, but by paying four *sous* of annual and perpetual rent per superficial *arpent*, without including the other charges and restrictions; and for more than ten years it has been impossible for us to obtain any in the said Seigniorie for any amount of rent, although many persons have made repeated applications, and in particular Nicolas Gauthier, who in the beginning of last year made application to the Honorable Sir James Stuart, Seignior of the place, on behalf of himself and many other persons who had commissioned him to ask some for them, and Sir James Stuart answered him that he would not concede any at that time, not even for any price, that he wished to sell them, that if eventually he should decide on conceding them, he would concede them at a higher rate than the last had been conceded at in the said Seigniorie,—that he knew of places where the lands were conceded at more than one pound for each *arpent* in front by thirty *arpens* in depth, and which according to him were not worth more than his own.

33.—We cannot say anything as to the amount of the *cens et rentes* and other charges and reserves stipulated in the primitive concessions of wild lands.

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At the remote epoch of the first settlement of the parish of Deschambault, the greater part of the lands in the first range were charged, by the deeds of concession, twenty-six *sous* and six *deniers* of rent, and one *sol* of *cens* for each *arpent* in front by thirty *arpens* in depth, and also one *capon* or fifteen *sous* for each *arpent* in front, and the timber required for the construction and repair of the manor house and the *banal* mill was reserved; but the Seignior allowed the *Censitaire* the right of hunting and fishing. The lands in the second range were for the most part conceded at the same price and with the same charges, but they are forty *arpens* in length. The lands in the third range were for the most part charged one *sou* per superficial *arpent*, one *capon* and one *sou* of *cens* for each *arpent* in front by forty *arpens* in depth, with the same reserves and restrictions as the others. A part of the lands in the fourth range were charged the same, and the others with those in the fifth range were charged five shillings rent for each *arpent* in front by thirty *arpens* in depth, and one or two *sous* of *cens* with the reservations of timber, mines, and minerals, &c.

34.—We are not aware that the Seigniors of this parish have sued any of our predecessors for not having kept *feu et lieu* on their lands within the time limited by the deed of concession of such wild lands.

35.—We have never sued the Seigniors of this parish to compel them to concede to us wild lands, and we are not aware that our predecessors have done so.

36.—See the preceding answer.

37.—For about ten years past, it has been impossible for us to procure in the Seigniorie of Deschambault any land in concession, at any price whatever, although many persons have made application, to obtain some for themselves or for the settlement of their families, and in particular Nicolas Gauthier, who made application for himself and others, and was refused by Sir James Stuart, the present Seignior of the said parish, as mentioned in our thirty-second answer; we now give the names of those for whom the said Gauthier had made application:—N. Gauthier, Pierre Gauthier, Narcisse Petit, Joseph Gauthier, Olivier Petit, Isidore Gauthier, Narcisse Gauthier, Frederic Groleau, Joseph Paquin, Augustin Paquin, François Xavier Paquin, Olivier Gauthier, Charles Proulx, Augustin Petit, Zéphirin Paquin, Antoine Frenette, Charles Gauthier, and several others. And the following are the names of those who were refused by the Agent of Mr. Black, as well as by himself, at the time that he had the Seigniorie of Deschambault:—Joseph Bossé, Jacques Naud, N. Gauthier, Pierre Gauthier, Maurice Delisle, Louis Sauvageau, Jean Frenette, and several others. The following are the names of those to whom the Agent of Sir James Stuart refused to concede lands:—Maurice Delisle, Jean Frenette, Louis Sauvageau, Jean Marie Cauchon, Antoine Frenette, Jean Marcotte, Jean de Salles Marcotte, Jean Bte. Naud, Frederic Groleau, Louis Gauthier, François Belisle, Hubert Lefebvre, Charles St. Amant, N. Gauthier, Narcisse Petit, Olivier Petit, Joseph Morin, Charles Mathieu, Simon Arcand, and several others. Mr. A. Bouchet, refused to concede a land to Alexis Lefebvre, because he was poor. The same refusal was repeated to many other persons, some being told that they were not in a condition to meet the charges on the said lands, others that it was not intended to concede any to poor people; a similar refusal was formerly made by the late Seignior M. de Lagorgendière, to François Gravelle and Jean Naud, who after having been several times refused when desirous of settling, were obliged each to purchase a piece of wild land, for which they paid more than it was worth at the time;

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they settled thereon, and now gain a livelihood for themselves and their families, and are worthy *habitans*, who are not in any way a charge to the public.

38.—We are not aware that any *Censitaire* of any *Fief* or *Seignior* in this Province, has complained to the constituted authorities in this country of the Seigniorial Tenure, with the exception that some *Censitaires* of our parish as well as of several other parishes having answered to certain questions put with respect to the unconceded lands,—that the rate of the rents which the Seigniors asked in the concession of their lands, as well as the charges and reservations which they imposed upon the *Censitaires*, was almost the sole reason that the young people of the country did not settle on the unconceded lands which were very extensive in divers Seigniories; this was about twenty years ago, or more, there forthwith appeared a bill touching the Seigniorial Tenure; and if this bill had become law, it would have been a great advantage for all farmers wishing to settle, of whom there are many, for, the said bill contained enactments rather favorable to the *Censitaires*, among others, one obliging the Seigniors to concede their lands at the ancient rate, not exceeding one *sou* for each superficial *arpent* of land. But unfortunately for the Province in general, and for the poor farmers in particular, this bill has not become law.

39.—A change of tenure would not in our opinion, improve the condition of the *habitans*, and would not tend to promote their welfare.

40.—The more we consider this subject, the more we are inclined to think that a change of tenure would be more hurtful than profitable to the *Censitaires*;—and we cannot point out any plan or project by means of which it would be possible, in a manner consistent with justice to the parties interested, to get rid of the difficulties and inconveniences, which have arisen, and which may hereafter arise from the Seigniorial Tenure, except by passing a law for the purposes above mentioned, more especially in our twenty-first answer

41.—We cannot point out any plan by which a general and uniform system of commutation might be established on a fair and equitable basis; because of the reason already submitted,—that the poorer part of the farmers would be without the means of being able easily to settle.

42.—We are of opinion that the Seigniorial Tenure, as it exists at present, might be modified so as to relieve the *Censitaires* from the various charges and rents of which they complain, without abolishing the Seigniorial system altogether, and that this might be done by a law, as mentioned in the preceding answers.

43.—See our preceding answers.

44.—We have seen a Bill intituled, “An Act to provide for the voluntary commutation of the Seigniorial Tenure in the Seigniories of Lower Canada.” If this Bill became law, we think, and are even convinced, that it would not meet the approbation of the majority of the *habitans*, for reasons already stated in the preceding answers, and that this commutation would only tend to ruin the poor farmer by the accumulation of sums and rents which already oppress them too much, and could only be profitable or advantageous to the Seigniors and to a very small number of rich persons who in a few years would become almost the sole proprietors of the settled lands in this province; for as to the greater part of the cultivators, seeing their debts accumulate for the rents of the sums which they might have agreed to give to effect this commutation, they would find themselves under the necessity of selling their properties (and most frequently at a low

price, as is almost always the case when one is in debt) to get rid of a rent which they would be unable to pay, others having struggled too long a time, would find themselves so borne down by the arrears of interest due that, not being able to meet the demands of the Seignior, their property would be sold in execution, which would complete their ruin, and such persons would have no other means of sustenance for themselves and their families, but to hire themselves out as farmers on lands not their own, or to serve for wages and let their families subsist on charity, or else to emigrate with their families to a foreign land.

45.—The answer to this question is to be found in the various copies of deeds of concession which the Commission will receive with these answers.

46 & 47.—See our answers to the preceding questions.

48.—There are very great complaints against Sir James Stuart, the present Seignior of Deschambault, respecting his refusal to concede lands, by proprietors of lands situate in the township of Alton, on the north west of the said Seignior. These proprietors are resident cultivators, among whom are Jacques Gauthier, Michel Naud, Joseph Verret, Charles Falardeau, François Renaud, Joseph Renaud, Jean Mathé, Pierre Renaud, Abraham Gondron, Jean Verret, and Charles Savard, who find themselves deprived of all communication for bringing the produce of their lands to a market, having too great a length of road to open across too large an extent of the unconceded lands in the said Seignior; for, if the Seignior were to concede them, in a very short time, we should see roads opened to the front of the said Seignior, and the above mentioned *habitans* would open roads of communication from their lands to the ancient settlements of the said Seignior. A certain number of farmers who cannot obtain any land in concession, in the Seignior of Deschambault, have found themselves obliged to take some in the Seignior of Lachevrotière, to establish themselves thereon; and in spite of the too exorbitant price of rents exacted by the Seignior for the said concessions, which are lands of little value, the said cultivators complain still more of the charges, reservations and restrictions contained in the deeds of concession of the said lands, of which charges and reserves, the Commissioners will be able to inform themselves by examining the copies of the said deeds of concession, which they will receive with these answers.

Done and passed at Deschambault, the seventh day of the month of August, in the year one thousand eight hundred and forty-two, after these presents had been read publicly, at the church-door, immediately after divine service, in the forenoon, the said *Habitans Censitaires*, persisting therein, and declaring that they faithfully contain their answers to the questions proposed by the Commission on the Seigniorial Tenure. In testimony whereof, they have approved them, and some have signed.

(Signed) LOUIS REMOND, C. D. D.  
and 17 others.

(Signed) N. GAUTHIER, G. D. L.

No. 34.

Answers of P. C. Fournier, Esquire, of L'Islet, Notary, to the questions submitted to him by the Commission appointed on the Seigniorial Tenure.

(Translation.)

L'ISLET, 8TH AUGUST, 1842.

1.—Yes; in the Seignior of Bonsecours, in the parish of L'Islet.

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- 2.—Since the 26th April, 1836.
- 3.—Germain Alexandre Verreau, Esquire; and he was in possession for about sixteen years before me.
- 4.—The land having been sold by a compulsory sale, the proprietor before me did not think it incumbent on him to hand over to me the titles; but I transmit to the Commission a certified copy of the deeds of land in my neighbourhood.
- 5.—I do not know.
- 6.—Same answer as to the 4th.
- 7.—I am not aware that there has been one.
- 8.—In the deed of concession and *titre-nouvel*, copies of which I transmit to the Commission, I perceive that the amount of Seigniorial *cens et rentes* is the same sum in money, but that the capon stipulated in the deed of concession, is not mentioned in the *titre-nouvel*; for the rest, I see no essential difference in the two titles.
- 9.—It is an *emplacement* of about thirteen square perches.
- 10.—*Titres-nouveaux* have been exacted by different Seigniors of the Seigniories Bonsecours and L'Islet St. Jean, at different times, in 1824, 1830, and at other epochs. The late Ig. Gasp. Boisseau and G. A. Verreau, Notaries, were generally employed for this purpose.
- 11.—I shall endeavour to answer this question, after I have obtained further information.
- 12.—I refer to my preceding answer.
- 13.—The parish of L'Islet is composed of the Seigniorie Bonsecours and L'Islet St. Jean, possessed by a great number of Co-Seigniors; and there is a water flour mill in the Seigniorie Bonsecours, a similar one building in the Seigniorie L'Islet St. Jean, and a wind-mill belonging to a private person in Bonsecours.
- 14.—The titles are to the effect, that the *Censitaires* shall have their corn ground at the *banal* mills, on pain of paying the penalty and the toll for grinding, to the Seignior of the *censive*; this does not extend to the wind-mill which I have mentioned above.
- 15.—I cannot say for what end these mills were built, and I have answered the rest of this question in my preceding answers.
- 16.—The *banal* mill of the Seigniorie Bonsecours, is worth five hundred pounds currency, and the wind-mill is not worth more than one hundred and fifty pounds, considering its age.
- 17.—No.
- 18.—This right is considered, and is in fact, most prejudicial to the improvements and arrangements of the *Censitaires*, from the facility which it affords the Seigniors of depriving the *Censitaire* of his purchase, which he has made in good faith; and often after he has inconvenienced himself, in order to make the land which he has acquired profitable, he is unexpectedly dispossessed of it.
- 19.—When I purchased the land above mentioned, the Seignior waived his right of pre-emption in my favor, for the purchase which I was to make from the

Sheriff, but on condition that if it were sold for any sum whatsoever less than two hundred pounds, I should be still charged with the *lods et ventes* on this sum, and if I paid more, I was to pay the ordinary rate of one-twelfth.

20.—Not very often: nevertheless I believe that it is so, as often as the Seignior finds his advantage in it, either by selling the property thus redeemed at a higher price, or by his wanting it himself.

21.—I consider that the right of *lods et ventes* which the Seigniors have at each mutation of land in their *censive*, is an exceedingly unjust and onerous right, inasmuch as the greater part of the Seigniors profit by the labour and improvements of the *Censitaires* without expending any themselves. There is but one voice among the *Censitaires* in demanding that it should be abolished; and I believe them to be well disposed to commute with their Seigniors, unless, indeed, the terms of commutation were made too onerous for them.

22.—Yes; as the Commission may convince themselves by glancing at the deed of concession, of which I have had the honor to transmit them a certified copy.

23.—This reservation is certainly very onerous. At the present moment the Seigniors of L'Islet St. Jean, having let a mill-site to an individual, the latter has taken possession of a considerable quantity of cedar and other wood, which the *Censitaires* had reserved for a long time in the vicinity, for their own use, and they thus find themselves despoiled to their great injury; so that they are most anxious to get rid of this reservation.

24.—As it was almost an impossibility to obtain the commutation, neither I, nor any one to my knowledge have asked it.

25.—It is certain that I am very desirous, as well as the public, that the commutation of the tenure should be effected; but the rest of the question requires consideration and a particular study of the subject, with which my occupations and limited information do not permit me to occupy myself.

26.—I refer to my 24th answer.

27.—It is one of the greatest oppressions of the tenure *en censive*; this right possessed by the Seigniors of taking their *lods et ventes* on lands on which buildings are erected, sometimes of great value, and on which this right is asserted at each mutation, although it is solely through the proprietor that the value of the land has been increased: so that this right is, in this case especially, very prejudicial to commerce and industry, and burdensome to the proprietors.

28.—This Question has just been answered.

29.—Such a Question meriting more consideration and study than I am in a condition to give, I shall abstain from answering it as much in detail as the subject would require; but I shall take the liberty of offering it as my opinion, that the extinction of these rights might perhaps be managed, by making an estimate of the present value of each Seigniorie, having respect to the rates at which the lands are conceded, and deducting from the amount of the valuation the Seigniorial rents, for five years at most (if indeed these rents were not abolished): the balance might form a capital, payable by the *Censitaires* and to be borne by them in proportion to the land held by each, for the purchase of the rights of *lods et ventes*, pre-emption, (*retrait conventionnel*) *banalité*, reservations of timber, and other

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reserves and charges, which are ordinarily imposed on the *Censitaires* by their deeds of concession.

30.—The latest concessions of the Seigniori were made at the rate of five shillings for one *arpent* by forty-two, while the first were only from twenty to forty *sols*; I know nothing as to the remainder of the Question.

31.—Not to my knowledge.

32.—I have merely heard it said so.

33.—I cannot state them more fully than they are set forth in the deed, a copy of which I have the honor to transmit to your Commission.

34.—Not to my knowledge.

35, 36 & 37.—Not to my knowledge.

38.—I have not before me the information which would enable me to answer this Question.

39.—A change of tenure would be, in my opinion, a happy event for the *Censitaires*, and would certainly procure them an increase of prosperity, which the present tenure will never permit them to enjoy. I can add nothing with reference to the second part of the Question.

40.—I have never given sufficiently particular attention to this subject, to be enabled to submit to the Commission, a plan for extinguishing the Seigniorial tenure to the satisfaction of all the parties concerned.

41 & 42.—Same answer.

43.—I have already said that I was of opinion, that a valuation would be necessary, and I think that it could not be better done than by naming arbitrators on both sides.

44.—This Question involves considerations too weighty, for me to be able to answer it at present.

45.—As the land which I possess forms part of the land mentioned in the deed, a copy of which I transmit to the Commission, I have the honor to refer to it.

46.—I cannot answer this Question.

47.—I have already explained my views on this subject.

48.—I have nothing further to mention to you.

(Signed) P. C. FOURNIER,  
Notary.

No. 35.

*Answers of certain Censitaires of St. Joseph de la Beauce, to the questions submitted to them by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

Joseph Cloutier, Ensign of Militia, and a Proprietor in the said Parish, has answered as follows, that is to say:—

1.—I am proprietor of a land held *en roture* in the Seigniori of Jean Thomas Taschereau, Esquire.

2.—I have been in possession of the said land for the last thirty-six years.

3. Joseph Cloutier, my father, was in possession for twenty-five years.

4.—I am in possession of the original deed of concession of this land, and shall forward it to the Commission.

5.—See the preceding answer.

6.—I have the *titre-nouvel* taken out by myself, and I shall forward it to the Commission.

7.—See the preceding answer.

8.—There are some differences between the deed of concession and the *titre-nouvel*, which may be seen by examining the two documents.

9.—Five *arpens* less seven feet in width by forty *arpens* in depth.

10.—The *habitans* took out *titres-nouveaux* three years ago; the name of the Notary is Mr. Thomas Jacques Taschereau; and the *habitans* did so against their inclination.

11.—I am aware that at the time of the taking out of the said *titres-nouveaux* the *habitans* remonstrated against the charges on their lands, saying that they were already too heavily oppressed, without making them pay also for these *titres-nouveaux*.

12.—These objections were general on the part of the said *Censitaires*.

13.—There is but one *banal* mill.

14.—The mill serves to grind all grain generally, and the people of other Parishes frequently take the place of the said *Censitaires*.

15.—I believe it was originally built for grinding grain generally, since such is the case at present.

16.—This mill may be worth £700.

17.—I have purchased lands at private sale on which the right of pre-emption (*retrait*) was not exercised.

18.—This right of pre-emption is considered as very onerous to the *Censitaires*.

19.—I am not aware of the Seignior's having renounced this right in consideration of a *bonus* paid to him.

20.—It is but seldom exercised.

21.—I consider the right of *lods et ventes* as very onerous to the *Censitaires*; it is generally complained of, and they are very desirous to get rid of it, and to commute for it with their Seigniors.

22.—The Seigniors of this Parish reserve to themselves the right of taking from off the lands of their *Censitaires* not only pine and oak timber, but all kinds of timber that are fit and suitable for their purposes.

23.—This reservation is much complained of, which causes some injury to the *Censitaire*; but it does not hinder the clearing of the lands.

24.—I have never applied to the Seignior to obtain from him a commutation of tenure, nor am I aware of any other person having done so.

25.—I should have no objection to commute the Seigniorial tenure for that of *franc aleu roturier*; but my means would only permit me to commute for

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a very moderate sum, and which should be payable, at the option of the *Censitaires*, at an indefinite time; and if the commutation money should be found to exceed the means of the *Censitaires*, it is my opinion that the Seigniorial Tenure might still exist, but at the rate of the ancient deeds of concession, which may be seen by that now produced.

26.—I have no knowledge whatever on this point.

27.—I think that the right of exacting *lods et ventes* on sales in populous villages is most onerous. It has happened in this Parish that the buildings were worth twice as much as the ground itself.

28.—I consider this right to be very onerous, and it is generally complained of.

29.—The best plan, in my opinion, would be to commute this right of *lods et ventes*, of pre-emption, and of banality, by means of a certain sum paid once for all to the Seignior; but considering the small value of the lands in this part of the Province, it would be necessary that the commutation money should be fixed at the lowest rate possible; otherwise the *Censitaires* would be better off as they are at present under the Seigniorial Tenure.

30.—I have no knowledge of any such concessions having been made.

31.—Same answer as the preceding.

32.—I have no knowledge whatever of this.

33.—I cannot tell the amount of the *cens*, rents, and other charges, previous to 1711.

34.—There has never been any suit by the Seigniors to oblige the *Censitaires* in this Parish to perform the actual settling duties, so far as I am aware.

39 & 40.—See the answers 25 and 29.

41.—I cannot suggest any other plans.

42.—See the answers 25 and 29.

43.—I think that the appointment of arbitrators on the part of the Seigniors and *Censitaires* would be a fitting means for the commutation of tenure; but it would be very reasonable that the *Censitaires* should at no time be compelled to make such commutation.

44.—I have read the Bill in question; see my 25th answer.

45.—These rights, charges and reservations are enumerated at length in the original deed now produced.

46.—I am unable to state the value in money of all these charges and rents.

47.—I would propose to give 2s. 6d. per superficial *arpent*, to redeem the said charges and rents on my land. This should be the rate for the best lands, and the Arbitrators should not have it in their power to exceed it.

48.—I am not aware of any thing else which bears upon this subject.

And after the above answers having been read to me, I have declared that they contain the truth, and my

opinion entirely, and I have made my mark of a cross in presence of the undersigned.

(Signed) JOSEPH  $\times$  CLOUTIER.  
his  
mark.

(Signed) J. O. C. ARCAND, N. P.  
THOS. LAMBERT,  
Witnesses.

St. Joseph, this 8th August, 1842.

I, Charles Dupuis *dit* Gilbert, after having read and taken cognizance of the questions and answers above written, do declare and say that I have well understood and comprehended them; and I approve of and confirm them as being just and in conformity with my opinion. And I declare farther that I am proprietor of a land of three *arpens* in front by forty in depth, situate in the Seignior of Fleury, belonging at present to the heirs or representatives of the late Louis Fleury de Lagorgendière, in his lifetime proprietor of the said Seignior, and that I have been proprietor of the said land for the last twenty-six years; and that the proprietor of the said land before me was Jean Dupuis *dit* Gilbert.

I declare farther that I have in my possession the original deeds of concession of the said land as well as the *titre-nouvel*, which I agreed to in favor of the said Louis Fleury de Lagorgendière and Antoine Narcisse Juchereau Duchesnay, Esquires, passed before Mtre. J. Jh. Reny, Esquire, the Notary employed for this purpose. I cannot forward the said documents to the Commission, but I declare that the charges, clauses and conditions and reservations, mentioned in the said titles, are the same as those mentioned in the deeds Nos. 3 and 4, now produced, and that the same differences are to be found between the original deed of concession and the *titre-nouvel* as in the said deeds Nos. 3 and 4.

I declare also, that there is on the said Seignior a *banal* mill which serves to grind grain generally, not only for the *Censitaires* of the said Seignior, but for all other persons of the neighbouring Parishes, and that the value of the said mill may be about £700.

In testimony whereof I have made my mark of a cross in presence of the undersigned.

(Signed) CHARLES  $\times$  DUPUIS *dit* GILBERT.  
my  
mark.

(Signed) J. O. C. ARCAND, N. P.,  
THOS. LAMBERT,  
Witnesses.

St. Joseph, this 8th August, 1842.

I, Augustin Doyon, declare and say, that I have read the answers given to the questions above mentioned by Joseph Cloutier, and that they contain the whole truth; and I approve of and confirm them as stating my opinion. And I declare that I am proprietor of a land of two *arpens* in width by eighty *arpens* in depth, and that I have been in possession for the last 27 years; and that the proprietor before me was Gervais Lambert, who was in possession for about a year. I cannot transmit the original deed nor the *titre-nouvel* for the Commission. The *titre-nouvel* is in favor of Louis Fleury de Lagorgendière and Antoine Narcisse Juchereau Duchesnay, then proprietors of the said Seignior of

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Fleury; but I state that the charges, clauses and reservations, mentioned in the deed of concession and in the *titre-nouvel*, are the same as those mentioned in the deeds Nos. 3 and 4, now produced, and that the same differences occur therein. As to the *banal* mill of the said Seignior, see the declaration of Charles Dupuis, which I certify to be true.

In testimony whereof I have made my mark of a cross, not being able to sign,

(Signed) <sup>his</sup>  
AUGUSTIN × DOYON.  
mark.

(Signed) J. O. C. ARCAND, N. P.,  
THOS. LAMBERT,  
Witnesses.

St. Joseph, this 8th August, 1842.

I, Joseph Lagueux *dit* Charpentier, declare and state that I have read the above answers given to the questions of the Commission by Joseph Cloutier, and also the declaration of Charles Dupuis *dit* Gilbert, and that I approve and confirm the said answers and the said declaration as containing the truth, and my own opinion on each article. I declare moreover, that I am proprietor of a land in the Seignior of Fleury, three quarters of which belong to the heirs of Louis Fleury de Lagorgendière, and one quarter to Narcisse Duchesnay, Esq., the said land being two *arpens* in front by thirty in depth, for which I pay 15s. 1½d. of annual rent, besides the other charges. I cannot procure the deeds for the Commission inasmuch as they have been lost.

In testimony whereof I have made my mark.

(Signed) <sup>my</sup>  
JOSEPH × LAGUEUX.  
mark.

(Signed) J. O. C. ARCAND, N. P.,  
Witness.

St. Joseph, 8th August, 1842.

I, Noel Vachon *dit* Pamerleau, declare and state, that I am proprietor of a land in the Seignior of Pierre Elzéar Taschereau, in the said Parish of St. Joseph, of four *arpens* in front by twenty *arpens* in depth, for which I pay yearly £1 2d. currency, besides the other charges and rents, such as the right of pre-emption (*retrait*); of exhibiting the titles under penalty of a fine; of keeping *feu et lieu*; of making all front roads and other roads across the unconceded lands, to which we are compelled by the Seigniors; the right of *banalité*; of having a may-pole planted, and of preventing the erection of any mill, either a saw-mill or any other; the reservation of rivers, streams, and all kinds of mines, minerals, stone-quarries, lime-stone, and all other sorts of stone, and all kinds of timber, as mentioned in the deed of concession of the said land, produced under No. 5.

Moreover, I declare that I have read the answers hereinabove given to the questions of the Commission by Joseph Cloutier, and that they are just and reasonable, and in accordance with my opinion; and that the *banal* mill therein mentioned is the same which serves for the Seignior of which I am one of the *Censitaires*.

In testimony whereof I have made my mark of a cross, not being able to sign.

(Signed)  
<sup>my</sup>  
NOEL × VACHON *dit* PAMERLEAU.  
mark.

(Signed) J. O. C. ARCAND, N. P.,  
THOS. LAMBERT,  
Witnesses.

St. Joseph de la Beauce, this 8th August, 1842.

I, François Nadeau, declare that I am possessor and proprietor of a land in the Seignior of Pierre Elzéar Taschereau, Esquire, of three *arpens* in front by thirty in depth, and that besides the same charges, rents and reservations, as are mentioned in the deed produced and numbered 5, I am obliged, as well as many *Censitaires* in the same concession, to pay each year 10s. 1½d. of rent, and, which is exorbitant, at the first mutation of the said land, my representative, as well as the representatives of the said other *Censitaires*, will be required to pay eighteen shillings and ten pence half-penny, and that for sixty superficial *arpens* of land; and I found myself compelled, as well as the other *Censitaires*, to take the said lands on these conditions, seeing that there was none besides to take in these parts. Moreover, the Seignior obliges us to open and keep up the roads in front of the unconceded lands, which roads are of hardly any use to us. It has also come to my knowledge that one of the *Censitaires* of the said Seignior offered the said Seignior a sufficiently reasonable sum for some gores of land in the rear of my own land, five *arpens* in depth by three in width, without any additional liability towards the Seignior, and the Seignior would not give them to him for less than 50 dollars, and, in addition, an annual rent of eight *sous* per superficial *arpent*, which the *Censitaire* could not accede to, being much more than the value of the said land.

Moreover, the same Seignior, to my knowledge, had the *lots et ventes* of a land paid to him by one of his *Censitaires* of the said Seignior for the sum of £150, though the price of the sale was only £125, threatening the said *Censitaire* to take his land *en retrait* if he did not pay him this sum, which the said *Censitaire* was obliged to do, to avoid being dispossessed of his land.

And after having read the answers given to the questions of the Commission by Joseph Cloutier, I declare that they contain the truth, and that they are in accordance with my opinion. In testimony whereof I have made my mark of a cross, not being able to sign.

(Signed) <sup>my</sup>  
FRANCOIS × NADEAU.  
mark.

(Signed) J. O. C. ARCAND, N. P.,  
THOS. LAMBERT,  
Witnesses.

I, Zéphirin Cloutier, proprietor of a land in the Seignior of Jean Thomas Taschereau, Esquire, of three *arpens* in width by thirty in depth, declare that I have read and examined the answers given by Joseph Cloutier to the questions of the Commission, and that they are just and reasonable; I approve of them, and confirm them as stating my opinion; and I declare that

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to my knowledge the said Seigneur has refused to concede wild lands at the rates and conditions at which other lands have been conceded, and that he still refuses.

In testimony whereof I have signed.

(Signed) ZEPHIRIN CLOUTIER.

(Signed) J. O. C. ARCAND, N. P.,  
Witness.

St. Joseph, this 8th August, 1842.

I, Joseph Fortier, declare and say that I am proprietor and in possession of a land of two *arpens* and a half in front by twenty *arpens* in depth, situate in the Seigniorie of Jean Thomas Taschereau, Esquire, formerly belonging to William Torrance, Esquire, and I acknowledge that I have read the answers given by Joseph Cloutier, to the questions of the Commission, and that the said answers are just and reasonable, and I approve of them and confirm them as containing the truth and as being conformable to my opinion; and that the reservations and obligations mentioned in the original deed of my land and in the *titre-nouvel* which I have consented to, are the same as those in the deeds Nos. 1 & 2 now produced, and that the same differences occur therein. I declare moreover that, on the 3d October, 1837, the said William Torrance, Esquire, at that time Seigneur of the said Seigniorie, exercised against me and to my prejudice the right of pre-emption, and that not for his own profit or utility, but for the advantage of one of his friends to whom he gave up the land immediately after the pre-emption, for the same price as I had paid and without any augmentation, which caused me much injury.

In testimony whereof I have signed.

(Signed) JOSEPH FORTIER,

(Signed) J. O. C. ARCAND, N. P.  
Witness.

St. Joseph de la Beauce, this 8th of August, 1842.

I, Joseph Vachon dit Pamerleau, declare and state that I am proprietor of a land in the Seigniorie of Fleury of three *arpens* in front by forty in depth, for which I pay yearly the sum of one pound and one penny half penny, besides being subject to the charges and reservations mentioned in the deed No. 5, now produced; and that I could make and construct on the said land, a saw mill, which would be very advantageous for the *Censitaires* of this part of the said Seigniorie, but that I am prevented from so doing by the Seigniors, who never would consent to it.

I declare farther, that about 14 years ago, I had sold a land for the price and sum of 300 dollars. The purchaser being able to pay me only 40 dollars, gave me up the said land for these forty dollars, and immediately the Seigneur took my land *en retrait* for this small sum, which was really the price which I gave to the purchaser of my land.

I declare also, that I have read the answers of Joseph Cloutier, and the questions of the Commission; and find the said answers just and reasonable, and in accordance with my opinion.

In testimony whereof I have made my mark.

(Signed) JOSEPH <sup>my</sup> VACHON.  
mark

(Signed) J. O. C. ARCAND, N. P.,  
THOS. LAMBERT,  
Witnesses.

St. Joseph, this 8th August, 1842.

I, Alexis Rodrigue, Municipal Councillor, declare and say, that I am proprietor of a land in the Seigniorie of Fleury, of two *arpens* in front by forty *arpens* in depth; I transmit for the Commission the deed of concession and the *titre-nouvel*, wherein the charges are stated at length, and the difference between the two documents is manifest.

I declare farther, that I have asked of the Seigneur, M. Louis Fleury Delagorgendière, a land in concession, in a wild state, at the same rates and reservations at which other lands are conceded, which he always refused me, because there had been some damage done on it, and he wanted to sue me, saying that it was I who had done the damage; nevertheless, I was willing to take this land at the same rate as the other lands, and it had never been reserved as private domain for the use of the Seigniors. I am assured that the Seigniors of the said Seigniorie, still refuse to concede lands at the same charges at which the other lands are conceded.

I confess also, that I have read the answers to the Questions of the Commission, made by Joseph Cloutier, and the declaration of Charles Dupuis dit Gilbert, and they contain the truth, and are just and equitable, and in accordance with my opinion and that of all the *Censitaires* of this parish.

In testimony whereof, I have signed,

(Signed) ALEXIS RODRIGUE.

(Signed) J. O. C. ARCAND, N. P.,  
Witness.

St. Joseph de la Beauce, this 8th August, 1842.

No. 36.

Letter of J. O. C. Arcand, N. P., La Beauce.

(Translation.)

ST. JOSEPH, DE LA BEAUCE, 9TH AUGUST 1842.

Sir,—I transmit you herewith inclosed, the documents relating to the Seigniorial Tenure and the answers of certain *Censitaires* of this parish to the questions of the Commission. I take advantage of this opportunity to give also my own opinion on this subject. I am of opinion that the Seigniorial Tenure in this province is not without abuses, from the enormous rates and the numberless reservations which the Seigniors insist upon with regard to the lands they concede, as well as by reason of right of *lods et ventes* and that of pre-emption (*retrait*), which rights are most onerous to the *Censitaires*. These rights of *lods et ventes* and pre-emption might be commuted for a certain sum payable by the *Censitaires* at any time which it might please the Legislature to appoint, or at an indefinite time; and the purchase of these rights would relieve the *Censitaires* considerably, and would

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no longer afford an inducement to them for the many frauds which they now commit to escape them.

I think that the rents as at present exacted by the Seigniors are also injurious to the *Censitaires*. I see in this parish many *Censitaires* who have been obliged to consent to pay rents at a higher rate than usual; and farther, should they sell, give or exchange their lands, the rents are increased by almost one half for the new possessor.

In my opinion, it would be more advantageous for the *Censitaires* to pay a fixed price for their lands, which might be, say, two or three *sous* per superficial *arpent*, which might be fixed and determined by the Legislature, and which the Seigniors should have no power to exceed. The Seigniorial Tenure would be in this case more advantageous than all other tenures, which would charge the *Censitaires* with a sum greater than their means would permit them to pay; but in any case it would be very necessary that the *lods et ventes* and right of pre-emption should be abolished by some legal means, and which would occasion no loss to the parties interested.

I am, Sir,  
Your most humble,  
and obedient servant,

(Signed) J. O. C. ARCAND, N. P.

J. E. TURCOTTE, Esquire,  
Secretary, &c. &c.

No. 37.

Answers of O. Martineau, N. P., Ste. Anne La  
Pocatière.

(Translation.)

STE. ANNE DE LA POCATIÈRE,  
DISTRICT OF KAMOURASKA, 12TH AUGUST, 1842.

SIR,—As there are some Questions which are altogether useless to the said Commission, for the end they have in view, inasmuch as they emanate from pure curiosity, we shall abstain from answering them; and shall confine ourselves to those which have appeared to us of most importance, and which will tend to bring to light, the vices which are to be met with in the Seigniorial rights.

The figures in the margin, for the answer will be in the order of the questions, and the answer will bear the same number as the question.

18.—This right is certainly contrary to the well-understood interests of the *Censitaires*, inasmuch as it is injurious to that fair speculation, which an individual in easy circumstances might wish to engage in at times, and inasmuch as it sometimes prevents the biddings which might take place on a land sold by the Sheriff, and it is at this last kind of sale that the case most frequently happens.

19.—This has not happened to our knowledge.

20.—When the Seignior finds any advantage in so doing.

21.—With respect to that, two kinds of sale are to be noted. 1°. The sale of a land without rent or yearly pension: 2°. The sale of a land subject to such rent.

In the first case the right of *lods et ventes* is not onerous, and no one to our knowledge complains of it, nor do the *Censitaires* appear disposed to commute it with the Seignior. There is only one essential remark to be made on this point. The right of *lods et ventes* should be exercised on the real value of the land, and not on the value of the land and the buildings which a proprietor may have the means of getting built; for it frequently happens that the buildings are of a greater value than the land on which they are erected. For example, we purchase a piece of land for £30, we have buildings constructed on it for £500, which we sell at this price. The Seignior then takes from the labor and savings of his *Censitaire*, a right of *lods et ventes*, which in justice belongs to him only for the land itself.

In the second case, the right of *lods et ventes* is most injurious; and the injustice as well as the oppressiveness of a right which is dwelt upon by all, is the taking of *lods et ventes* on ten years value of the rent or life annuity charged on a land, for each frequently recurring mutation of this land, subject to the said rent, over and above the *lods et ventes* on the price of the said land, at each such sale of the same. It has, moreover, a ruinous effect, and hinders and always will hinder, the most being made of a valuable land, by the consideration on the part of the purchaser, that there are *lods et ventes* on ten years value of this rent.

The most equitable method (as well for the Seignior as for his *Censitaires*) of establishing the right of *lods et ventes* in the present case, would be, in our opinion, to have the intrinsic value of the land estimated by competent persons, without regard to the said rent any more than if it did not exist, and then the Seignior would exercise his said right of *lods et ventes* on this valuation of the property. For it often happens that a land burdened with such rent or like-pension, is sold for a third only (more or less) of its real value, in consideration of this said rent. By this means, the Seignior would lose nothing; on the contrary, he would enjoy an equitable right, and the *Censitaires* also would have justice. Besides, where is the reason for this right of *lods et ventes* on ten years value of the life-rents.

25.—If in order to possess our lands in free and common soccage, it is necessary that we pay to the Seignior of whom they are held, the sum, or the greater part of the sum which we have already given to obtain them; that is to say, if it is necessary that we should redeem them, or if the Seignior binds us down to such other conditions as are equivalent to that, we prefer to remain as we are, and all think as we do.

29.—We cannot decide on any idea or plan, that would answer best, inasmuch as, by the Commutation Bill, we do not see under what conditions, more advantageous than the Seigniorial tenure, the commutation between the Seignior and his *Censitaires* is allowed.

In our opinion, the best thing would be, simply to modify the Seigniorial right of feudal pre-emption, *lods et ventes* on buildings, and life-rents as mentioned in our 18th and 21st answers. And if the Commission should succeed in satisfying our anxious desire on this matter, they will merit the everlasting gratitude of the *Censitaires* of this part of Canada. But if they cannot do any thing without establishing the system of commutation between the Seignior and the *Censitaires*, then we ask nothing, and wish to remain as we are; for, we do not want this system of commutation on the conditions stated in the Bill.

39 & 40.—See our answer to the 29th Question.

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41.—We cannot suggest any plan of this kind, inasmuch as if the Commission should succeed in removing the vices which frequently shew themselves, as appears by our answers to questions 18 and 21, the Seigniorial tenure would have nothing to make a commutation between the *Censitaires* and their Seignior desirable, if it were founded on any indemnity whatsoever, (even on an equitable basis,) payable by the said *Censitaires* to the said Seignior. And the *Censitaires*, in the present scarcity of money, are unable, without the severest economy, and the most painful privations, to pay this indemnity, on any system of commutation whatever. Such is the import of the latter part of our answer No. 29.

42.—Yes; and that by modifying the Seigniorial rights, as set forth in our 18th and 21st answers.

44.—We do not think it would meet the approval of the *Habitans*, inasmuch as by clauses 5 and 6, they would be more oppressed, from their limited means, occasioned by bad crops and a scarcity of money, than they are even by paying the *lods et ventes*, on life-rents, and in being subject to the right of pre-emption. For, mutations being of unfrequent occurrence, it is only persons in easy circumstances who are able to purchase real property, and then at a price far below the actual value, which permits them to bear the right of *lods et ventes*, with a double advantage.

48.—We do not see that any thing has been omitted in the preceding answers, which would give more ample information to the Commissioners; the conduct of the Seigniors towards their *Censitaires* here having been very considerate.

We have the honor to be, Sir,  
Your most humble Servants,

(Signed) AUGUSTIN MARTINEAU.  
O. MARTINEAU, N. P.

J. E. TURCOTTE, Esquire,  
&c. &c. &c.

No. 38.

Answers of Mr. Dostie, N. P., *Censitaire* of St. George de la Beauce, to the questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

ST. GEORGE DE LA BEAUCE,  
15th August, 1842.

1.—The deeds of concession which I have the honor to transmit to you, will inform you sufficiently of the charges, obligations and servitudes to which the *Censitaires* of the Seignior of Aubert Gallion are subject.

2.—William Pozer, Esquire, Agent of his brother George Pozer, Esquire, does not fail to exercise the right of pre-emption as often as the opportunity of turning it to account may offer.

3.—The *Censitaires* of Aubert Gallion consider the right of *lods et ventes* as very onerous, and they are most anxious to get rid of it.

4.—Moreover, these *Censitaires* complain bitterly of the other charges and servitudes which are imposed on their lands for the benefit of the Seignior, and which cannot but retard the progress of agriculture and delay the clearing of the lands.

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5.—The *Censitaires* of the said Seignior of Aubert Gallion are at present, unable, as well as any one else, to obtain lands in the said Seignior in concession, inasmuch as the Seignior, over and above the ordinary charges and obligations imposed in the preceding deeds of concession, now exacts one cord of hard wood, and two days in each year, on each subdivision of the conceded land, even on an *emplacement*, as will appear by one of the deeds which I have the honor to transmit to you.

6.—The above mentioned *Censitaires* have never in any way spoken of commutation to their Seignior, and were ignorant, until now, that there had been a bill on this subject.

7.—The said *Censitaires* feel themselves quite incapable of suggesting to your honors any plan or project to remedy the abuses in question; to effect this, they depend on the wisdom and prudence of the Legislature.

8.—The *Censitaires* of the *Fiefs* Cumberland, Ste. Barbe, and St. Charles, Aubin Delisle, in the said parish of St. George, county above mentioned, are subject to the same charges, servitudes, and obligations as those of the said Seignior Aubert Gallion; except that the Seigniors of the said *Fiefs* do not impose on their *Censitaires* days of *corvée* and one cord of wood even in case of subdivision, as is done at present by the said William Pozer, Esquire. It must be observed that in the sole and only range, formerly conceded in the said *Fief* Ste. Barbe, the lands, though three *arpens* by forty, pay only ten shillings; and that in the *Fiefs* Cumberland and St. Charles, the lands of two *arpens* by twenty-seven or thirty *arpens* pay fifteen shillings.

9.—The *Censitaires* of the *Fief* St. Barnabé, and others, complain bitterly that the Seigniors of the said *Fief*, Messrs. De Léry, are not willing, any more than their late honorable father in his lifetime, to concede lands in the concessions of the said *Fief* St. Barnabé, so that only the first range, on the water's edge, has been conceded for many years past. It is to be observed that this *Fief* is nearly two leagues in breadth by two in depth, the lands of the first range formerly conceded being only forty *arpens* in depth.

10.—All the *Censitaires*, as well of the said Seignior of Aubert Gallion as of the above mentioned *Fiefs* Cumberland, St. Barnabé, and St. Charles, Aubin Delisle, are unanimously agreed to demand the abolition of the *lods et ventes*, right of pre-emption, and the other abuses mentioned in the Inquiry on the Seigniorial Tenure.

The undersigned certifies that the present report is drawn up conscientiously and without partiality.

(Signed) M. DOSTIE, N. P.

No. 39.

Letter from Messire Gatien, and others, of Cap-Santé.

(Translation)

CAP-SANTÉ, 19TH AUGUST, 1842.

Summary answer of Messire F. Gatien, Priest, Messieurs François Rinfret Malouin, Gamelin Gaucher, Gamelin, Senior, Paul Bigué, and F. Xavier Marcotte, to the questions addressed to them by the Secretary of the Commission of Inquiry on the Seigniorial Tenure.

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By the project for changing the present tenure of lands, it is proposed, without doubt, to benefit the present and future possessors of land, as well as to secure a greater facility for making those lands profitable which are not yet conceded, and, in fine, to attain a state of things more advantageous for the country.

Will the projected charge secure this triple object ?

In the ancient concessions the rent is supportable, the reservations made by the Seigniors are for the most part moderate, confined to certain objects, and few in number, and therefore no one is heard to complain of them. The same, perhaps, cannot be said of many late concessions; and is it by this projected change that it is intended to remedy the evils which may be complained of on this subject. Will the tenants of lands already burdened with exorbitant rents, which they have each year a difficulty in paying, be more in a condition to bear a burden four or five times heavier than that from which it is desired to relieve them? And how? The case is this. Where is the Seignior, at present, who would wish to renounce all his rights on the land of a tenant, and in perpetuity, for a less sum than the Seignior may himself fix, and which will certainly compensate him well for the advantages which he resigns? What Seignior would ask less than three or two hundred, or, if you will, one hundred pounds, currency, as his indemnity? The Seignior may, perhaps, arrange matters with his tenant, that is to say: he may, without immediately exacting the sum which is to indemnify him for the Seigniorial rights which he abandons, content himself with the interest of this sum, either for a fixed time after which it will be necessary to pay the entire amount, or in perpetuity. In this latter case, will the poor tenant, who had trouble enough to pay the rents with which his land was burdened, in accordance with the ancient mode of concession, be better able to pay a triple, quadruple, or even higher rent? In the first case, after the expiration of the years allowed to this tenant to raise the sum which he has agreed to pay to his Seignior, during which years he will have much difficulty in paying the rent agreed upon, if he is even able to pay the yearly rent at all; he will, probably, and most probably, not be in a better condition to pay the sum serving as an indemnity to the Seignior than he was at the moment such arrangement was entered into. After a certain period, more or less long, and much delay, the Seignior will wish to be paid and to have the use of his money; and as the tenant will be unable to pay, the Seignior will have the land sold; and as there will be on this land a heavy mortgage duly registered, the amount of which may equal, and perhaps even surpass the value of the land, it will, without doubt, return to the Seignior. Then, perhaps, from some remains of pity and compassion, real or pretended, the Seignior will allow this land to be occupied by the former proprietor, whom he has just despoiled; perhaps, we may suppose, he will leave him the land to cultivate under the humble title of farmer, and on such conditions as it may please him to impose, unless the unfortunate cultivator, deprived of every thing, should prefer to retire with his family to the high road, where, without doubt, he will be allowed nothing but the right of passage.

Such, for the greater part, will be the termination of the great advantages offered to the present cultivators by the proposed change. It must be confessed, and in fairness allowed, that it is by no means enviable.

But is it sincerely desired to testify, in good earnest, a disposition to ameliorate, in some degree, the condition of the occupiers of lands and to favor at the same time the improvement of lands yet unconceded, not for the sole profit and advantage of the Seigniors, but for the general good of the country?

Let the Legislature pass a law obliging the Seigniors, and other proprietors of large tracts of land, to concede these lands to those who may ask for them at a reasonable rate, and with reference to present circumstances. Let the maximum of rents to be paid per *arpent* or acre of land, be regulated and determined by this law, so that the Seigniors may not be able to raise them at their pleasure.

Let this law, by its enactments, regulate and determine, within fixed and equitable limits, the reservations which it shall be permitted to a Seignior to make when he concedes a land, so that he may not be allowed to impose any thing beyond, nor to exact, on conceding a land, any thing but his rent and the other rights allowed by law. In a word, let the law oblige the Seigniors to confine themselves, both as respects the reservations which they may be permitted to make, and with reference to the rents to be imposed, within the moderate bounds and limits of those imposed by the first Seigniors in this country; regard being had, nevertheless to present circumstances. The riches of the Seigniors will not be increased, we allow, but the lot of the occupants of land would be improved, as well as the prosperity of the country: and certainly the matter is well worth the trouble.

Let this law also interdict and take away from a Seignior the right which he claims of augmenting the rent stipulated for his own profit in a deed of sale made by himself of real property; the deed of which property, if it be sold afterwards to a new purchaser, is only confirmed by the said Seignior on the condition that the new purchaser shall pay a rent to the Seignior double that stipulated in the first deed of sale, and even more, which appears to us an injustice.

Let the law restrain the right of pre-emption to be exercised by the Seigniors to the case when it shall be recognized and proved by arbitrators, named, some by the Seignior and others by the seller and purchaser, that there has been, in a sale, collusion between the seller and purchaser to defraud the Seignior of his rights on the price of the purchase. Let the Seignior also, by an enactment in the same, be enabled to exercise the right of pre-emption when it shall be recognized and adjudged by the Arbitrators mentioned above, that this right is only exercised for the common advantage of the Seignior and of the majority of the tenants.

Let these means be taken, and all others proper to silence the complaints of the tenants, and to arrest the growing abuses arising from cupidity.

Then, without having recourse to the projected change, a change which can only lead to the most melancholy results for the inhabitants of the country, every one will be content, excepting, indeed, those who have nothing less in view than the general prosperity and welfare of the inhabitants of the country. But those, &c., &c., &c.

Such is the manner and the point of view in which we consider the question which has given rise to the interrogatories which have been proposed to us, and the answer which we give to these questions.

If our answer has been considerably delayed, it is owing to circumstances over which we have had no control.

(Signed) GAMELIN GAUCHER, N. P.  
F. X. MARCOTTE,  
F. GATIEN, Priest,  
M. J. G. GAUCHER,  
P. BIGUÉ, N. P.  
F. RINFRET MALOUIN.

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No. 40.

*Letter from Censitaires of Trois Pistoles.*

(Translation.)

At a meeting of the *Censitaires* of Trois Pistoles, convened by a notice previously given by P. Renouf, Councillor, of the said place, held in the public hall of the Parsonage-house of the said place, on the 7th of the present month, after divine service, in the forenoon, there was named a Committee of twenty-six persons, all *Censitaires* in the said place, for the purpose of taking into consideration the Seigniorial Tenure, and of suggesting to the Commission of Inquiry on this tenure, the changes desired by the said *Censitaires* in the Seigniorial system.

The said Committee being composed of the following gentlemen:—

Etienne Boucher, Notaire,	Elie Gagnon,
Phillippe Renouf, Councillor,	John Seton, Merchant,
Louis Caron, Co-Seignior,	Joseph Lavigne, do.
Thomas Dauteuil,	Maurice Martel,
Elie Bélanger,	Hilaire Roy,
Alexis Leclerc,	Louis Leclerc,
Henry Simon,	Romain Côté,
François Lavie,	Benjamin Rioux, C. C. Mil.
Noël Rioux, Co-Seignior,	Hypolite Rioux,
François Rioux, Pilot,	J. S. D'Amour, Pilot,
Antoine Boucher, Pilot,	Benjamin Rioux, Co-Seignior,
Lambert Gagnon,	Elie Hudon,
Joseph Godbout,	Eléonor Rioux.

Certified, Trois Pistoles, 7th August, 1842.

(Signed) E. BOUCHER,  
Secretary.

At a meeting of the said Committee, held on the 13th instant, in the house of Ambroise Rousseau, at two o'clock in the afternoon, the following Resolutions were proposed by E. Boucher, Esquire, and adopted by the said Committee.

1°. That the Seigniorial charges imposed on lands should be redeemable, in perpetuity, by the *Censitaires*, on their paying to the Seigniors the original value of the lands, conformably to the decision of arbitrators.

2°. That the *Censitaires* should be free to purchase or not, the said charges; but they should however, have the power of compelling the Seigniors to accept the said composition.

3°. That in default of the said purchase, the *Censitaires* should continue to pay the Seigniorial *cens et rentes*, not at the present rate, which is exorbitant, but at that stipulated in the first concessions made in this country, which was moderate and consequently quite supportable.

4°. That the right of *lods et ventes*, in case of non-redemption of the said charges, should only be taken on the original value of the lands.

5°. That the Seigniorial rights of pre-emption is very onerous, vexatious, and injurious to the prosperity of the country. And with reference to the lands, the charges on which may not have been redeemed, it should, in the event of a mutation, be only exercised to punish fraud. And the *lods et ventes* should be reduced to 6 per cent, in place of being kept at 8½.

TROIS-PISTOLES, 22ND AUGUST, 1842.

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To J. E. TURCOTTE, Esquire, Secretary of the Commission of Inquiry on the Seigniorial Tenure.

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SIR,—We have the honor to transmit to the Commission above mentioned, enclosed to your address, our opinion, as members of the above mentioned Committee, concerning the unfortunate Seigniorial system. We have to state to you, for the information of the Commission, that our Resolutions have not received our own approbation alone, but also that of the *Censitaires* of this parish, after they had been read at the church-door of this parish, yesterday, 21st August, after Mass.

We do not transmit to the Commission any title deeds; we have to inform them, however, that we have a considerable number of them, and quite sufficient to prove the manner which the Seigniors, or at least the greater part of them, abuse their rights.

In case the Commission should desire to have, or would have need of such titles, or any other information, we request them to signify the same to Mr. E. Boucher, Notary, who will be able, with the aid of the other Members of the Committee, to satisfy their wishes.

We are, Sir,  
Your most humble Servants,

(Signed) H. SIMON,  
and 24 others.

No. 41.

*Answers of Joseph Fafard, residing at L'Islet, to the questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

L'ISLET, 23D AUGUST, 1843.

1.—Yes; in the Seigniority of Bonsecours, L'Islet, St. Jean, and Lessard, also in the Seigniority of N. River now the Parish of St. Fabien, in the county of Rimouski.

2.—Of several for many years; others I have acquired within a short time past.

3.—Divers persons whom I deem it unnecessary to name.

4.—I do not think I have the original deeds of concession of part of my lands.

5.—I cannot say positively.

6.—Same answer.

7.—Almost all the *Censitaires* of the Seigniorities of L'Islet, St. Jean and Bonsecours.

8.—I have not examined the several titles.

9.—Being in possession of divers lands and building lots in the said Seigniority, the description of which would be too long, I think it unnecessary to enter upon it.

10.—The *Censitaires* of Bonsecours took out new titles in 1824, before Mr. G. A. Verreau, Notary; and those of the Seigniority of L'Islet, St. Jean, in 1830, before Mr. L. G. Boisseau, Notary. I know that it

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cost the inhabitants a great deal to take out these titles; but the threats of prosecution silenced all clamour.

11.—Not having been present at the passing of these titles, I cannot affirm whether any *Censitaires* remonstrated against the charges imposed upon them; but such was the general opinion.

12.—Same answer.

13.—In the Seigniorship of Bonsecours, one water mill and one wind mill. I do not think the latter is a banal mill, for it belongs to a private individual.

14.—I think the water mill is a banal mill; and as such bound to grind the grain of the *Censitaires* before that of others. The wind mill grinds all kinds of grain.

15.—I think the first was built for the purpose of grinding, first the grain of the *Censitaires*, and then that of others. The other mill was built for the general advantage of the owner.

16.—The water mill in the Seigniorship of Bonsecours is well worth £500; and the wind mill about £25; it being in a state of almost complete ruin.

17.—Yes; on the 6th March, 1840, I had purchased at private sale, a lot of land in the Seigniorship of L'Islet, St Jean, upon which the Seignior exercised the right of *retrait conventionnel*; the value of the land was £75, and there were no buildings upon it. I had bought it from Hilaire Kirouacke for £50, because he was very much in want of money.

18.—The right of *retrait conventionnel* is considered by the *Censitaires* as very burdensome, and as very prejudicial to the business they transact among themselves.

19.—I heard that this was done; but I have not seen it myself.

20.—I know by my own experience that the Seignior exercises it whenever he finds it to his advantage to do so.

21.—Yes, I think it very burdensome upon the *Censitaires*, and it is generally complained of. There is a general wish to get rid of it, and the *Censitaires* wish to commute with the Seigniors on fit and practicable conditions.

22.—Yes, these reservations are made in all the deeds; and the Seigniors cut what timber they please. A great number of the *Censitaires* had saved a large quantity of cedar, and it was cut and carried away against their will.

23.—It is generally complained of.

24.—It never came to my knowledge that any *Censitaire* had applied to the Seignior for that purpose.

25.—For my part I should have no objection to commute, provided I could get clear of the Seigniors and all their charges.

26.—Such an application has never been made to my knowledge.

27.—Yes, I think them very onerous and more injurious than in the country parts; for, in towns the buildings are generally worth three or four times as much as the ground they are built upon.

28.—Yes, they are generally complained of as an obstacle to public improvement.

29.—I shall answer, that by a commutation effected by the *Censitaire* with the Seignior, all these charges might be done away with.

30.—There is a general complaint to that effect; but no instance has come to my knowledge.

31.—None of these things have come to my knowledge.

32 & 33.—Same answer.

34.—No suit of this kind has come to my knowledge.

35 & 36.—Same answer.

37.—Such a refusal was made to me about the year 1832; having applied to Chs. Casgrain, Esquire, tutor to O. E. Casgrain, Esquire, for the Seigniorship of Bonsecours de L'Islet, for the purpose of obtaining some lots of land in the fourth range of the Seigniorship of L'Islet, Bonsecours, he replied that he could not concede them at that time. The application and answer were made verbally.

38.—No complaint to the authorities to my knowledge; the *Censitaires* complained generally.

39.—Yes, if the change were made advantageous to the *Censitaires*.

40.—The Seignior should be obliged to commute with his *Censitaires* when the latter demanded it, for about five per cent on the value of their lands, without including the value of the buildings and improvements.

41.—Same answer.

42.—I see no means of modifying the Seigniorial Tenure. I do not see any injustice to the Seignior in obliging him to commute with his *Censitaire*, provided the latter be made to pay what is fair.

43.—I think that in this case arbitrators would create difficulty, but that every thing being regulated by the authorities, then when the *Censitaires* should apply to the Seignior to commute, would be the time to appoint arbitrators to estimate the value of the ground.

44.—I have no objection to the Bill; it appears to me advantageous to both parties.

45.—(See the deed for Lessard) I transmit a deed of concession for the Seigniorship of Lessard, I have no other at hand.

46.—Five per cent on the value of the property without including the improvements; provided the *Censitaire* be at liberty to commute when he pleases.

47.—The same answer. But the Seigniors have exacted *lods et ventes* on the improvements made and the buildings erected on the lands of their *Censitaires*, and also higher rents than those allowed them by their grants or letters patent. I think that these exactions being illegal, what has been so overpaid ought to be allowed to each *Censitaire* on account of the sum he might have to pay for his commutation.

48.—Firstly, I think that *lods et ventes* are due on the land only and not on the improvements or the buildings. Secondly, I think that the Seigniors ought

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to concede their lands at such rates only as are fixed by their grants from the Government; and if they have conceded at higher rates, they ought to return the overcharge to the *Censitaire*, or allow it to him on account of the sum he may have to pay for commutation.

I believe that by enabling the *Censitaire* to commute with the Seigneur, the best possible plan would be adopted. The commutation would take place gradually, and would in time destroy the Seigniorial system, which prevails every where, and is so injurious to industry in undertakings of every kind. For this reason, I am disgusted when I see Seigniors on the Bench and in the Tribunals, which has frequently made me abandon rights which I believed to belong to me.

(Signed) JOSEPH FAFARD.

No. 42.

*Answers of the undersigned, Widow of Paschal Taché, Esquire, in his life time Seigneur of Kamouraska, to the questions submitted to her by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

1.—I am in possession, as Usufructuary Seignioress of the Seignior of Kamouraska, and of part of the *Fief Grandville*, both situate in the District and County of Kamouraska.

2.—Since the death of my husband, in 1833.

3.—My father-in-law, Paschal Taché, Esquire, was proprietor of a small part, my husband of the greater part, as heir to his mother; he had possessed it for a very long time.

4 & 5.—I am in possession of the original grants of the said *Fiefs* and Seignior; I transmit you copies of them certified under my hand.

6.—I am in possession of two acts of fealty and homage performed by those from whom I derive my title; I transmit you copies of them certified under my hand.

7.—No; I have no other document than those above mentioned.

8.—I am not.

9.—I am in possession of the *papiers-terriers* of the said *Fiefs* and Seignior; I should not think myself doing what is right by the proprietors of the Seignior if I dispossessed myself of them; but I will communicate them with pleasure to any Member of the Commission at Kamouraska, and at any time when he may please to come and examine them.

10.—I have a considerable number of old writings concerning concessions in the said *Fiefs* and Seignior, (the greater part of them informal and not authentic) which I shall, with pleasure, communicate to any Member of the Commission with the *papiers-terriers*.

11 & 12.—I am in possession of several old deeds of concession; I transmit copies of two, but I cannot furnish copies of those made from ten years to ten years, for I think the greater part of the concessions were made verbally or under private signature; if they were made in writing they have been mislaid. But, as I have already said, I shall always be ready to com-

municate to the Commission all the papers which are in my possession relative to the Seignior.

13.—There has never apparently been any uniformity in the rate of *cens et rentes* in the said *Fiefs* and Seignior; a great portion was conceded to relatives of the Seigneur's at one *sol* of *cens*, and other parts at divers Seigniorial rents, according to the quality of the soil.

14.—There are four ranges of concessions in the Seignior of Kamouraska, and six in the *Fief Grandville*. The greater part of the lands in the four concessions of the said *Fiefs* and Seignior are under culture. The two concessions in the *Fief Grandville*, which lie above the first four, reckoning from the St. Lawrence, are uncleared. As to the value of the soil, I can give no account of it; it must be various, and in order to judge of it, it would not only be necessary that I should see it, but that I should be acquainted with the degree of industry possessed by the persons who cultivate it.

15, 16 & 17.—Yes; these new Titles are of record in the *papiers-terriers* of the said *Fief* and Seignior of which I have before spoken, and which I am ready to communicate to the Commission.

18 & 19.—I have never compared the two; because there is a clause in the new Titles, that nothing therein contained shall create any new charge or impair any right of the Seigniors, but that the original deeds of concession shall be acted upon. No *Censitaire* has complained of a change, except in one case, where Firmin Michaud and Ignace Paradis complained that the new title obliged them to pay in *tournois* currency, whereas their deeds of concession only mentioned the money of the country. I reduced the rates according to their claim.

20.—One.

21.—It is scarcely possible to say what the value of this mill is, for that depends in a great measure upon the income derived from it, which is precarious, and varies according to the crops. The cost of erecting the mill at Kamouraska greatly exceeded fifteen hundred pounds, currency.

22.—No; the average yearly amount of the *lods et ventes* received in the said *Fief* and Seignior for the last ten years is about £200, currency. It is true that I have generally reduced the rate to six per cent when the purchasers were honest people and promised to pay me at a certain time within the year, and sometimes after the year; in certain circumstances I have even taken less than six per cent.

23.—No; the *cens et rentes* due yearly in the said *Fief* and Seignior amount to about sixty pounds, currency, but they are always very badly paid; scarcely two-thirds of the *Censitaires* pay regularly; the others do not pay, knowing that it would cost more to sue for what they owe than the thing is worth.

24.—It has only been exercised twice, once upon the sale of a property much below its value, in which case I received only £6 currency, of profit, and in the other case in order to do a service to the vendor, who would have been ruined if I had not exercised this right in his favor.

25.—No person has ever applied for a commutation of tenure in the said *Fief* and Seignior, except in the case which I am about to mention. My late husband having entered into certain arrangements with the Commissioners of Crown Lands, agreeing upon a basis for the measurement of his Seignior, which had never

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been adopted before, found that, according to the result of the survey made on this basis, he had conceded and warranted several lots of land which formed part of the lands of the Crown. In order to avoid any trouble to the holders of these lands, I purchased them from the Crown, but was only allowed to do so on condition that I should transfer them to the holders on the same terms on which they had been sold to me; one person only has come forward to take advantage of this stipulation with regard to a property on which there is a mill-site, (one François Fontaine Bienvenu, a miller who wished to erect a grist-mill,) he obtained his wish, and the speculation was so little profitable to him that he ruined himself, and his land is to be sold by Sheriff's sale in June next, at the suit of Edward Ennis.

26 & 27.—Nothing of this kind has been done.

28.—I have already answered this question. There has never been any regular rate established as to the quantum of *cens et rentes* on lands conceded in the said *Fiefs* and Seignioriy.

29 & 30.—Nothing of this kind has been done to my knowledge.

31.—Some actions have been brought for this purpose, but matters have always been settled.

32.—No; the *banal* mill has always been kept in the best order possible, the Seigniors having always felt that they had more to hope by giving public satisfaction than from the right of banality.

33.—No.

34.—In conceding lands, I have followed, and so far as I can see, my predecessors have followed, the *arrêt* of His Most Christian Majesty's Council of State, dated 6th July, 1711, with regard to all the conditions of concession. If there has been any deviation from these rules it has only been with regard to the quantum of *cens et rentes*, as to which there has never been any fixed rate. But on examining at what average rates lands were conceded in the country at the date of the said *arrêt* of 6th July, 1711, and the value of work and of money at that time, and comparing that value with what they are both worth at the present day, I can safely state, that in the Seignioriy of which I am in possession, the rate of *cens et rentes* has never been increased.

35, 36, 37 & 38.—Nothing of this kind has been done to my knowledge.

39.—I have never occupied myself in forming any plan on this subject, convinced as I am from the experience I have had, that no *Censitaire* will think of commuting.

40.—There has been no such meeting in this Seignioriy.

41, 42 & 43.—I have not read the said Bill; and, as a woman, have never busied myself about legislation: what I have stated above is founded on my practical experience of the effect of existing circumstances up to the present day, in the conduct of the business I have been called upon to attend to.

44, 45, 46 & 47.—All these matters are out of my province, as a woman, excepting always the Seigniorial charges and dues, of which the Commissioners wish to ascertain the nature, as they are perfectly at liberty to do by the examination of the Seigniorial *Terrier*, which I am ready to communicate to them, as I have before stated.

(Signed) WIDOW PASCHAL TACHÉ.

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Answers of François Guisson, of L'Islet, to the Questions proposed by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

L'ISLET, 28TH AUGUST, 1842.

1.—Yes, I am so, in the Seignioriy of Bonsecours belonging to Mr. Casgrain.

2.—Twenty years.

3.—Edouard Bernier possessed a part of it for about 10 years.

4.—I have the honor to transmit to the Commission the copy of the deed of concession of a land in my neighbourhood.

5.—I refer to my next preceding answer.

6.—I transmit an extract from my *titre-nouvel*.

7.—Same answer.

8.—The Commissioners may themselves perceive this difference.

9.—In the first range on the South side of the River St. Lawrence, two *arpens* in breadth by eighteen in depth. Another land uncleared three *arpens* in front by eight in depth, in the fourth concession in the Seignioriy of the heirs Chenet.

10.—Yes, the Commissioners may see the date of the said title in the extract which I transmit. The inhabitants consented unwillingly to take out these titles, they were threatened with law suits if they refused.

11.—I was unwilling to take out a new title, because I saw that more charges and conditions were inserted in them than in the original deeds of concession.

12.—Yes, many objections were made to taking out new titles. My neighbour declining to take out a new title, because it differed from the old deeds, Mr. McCallum, the then Seignior, sued him to compel him to take it out. The suit was pending one or two years in the Superior Term of the Court of King's Bench; the *Censitaire* succeeded in so far as not to be compelled to take out a title differing from the original deed of concession. The Seignior appealed and succeeded in getting the judgment reversed and in compelling the *Censitaire* to take such a deed as he wanted. The *Censitaire* found it impossible to pay the costs, and the Seignior caused his land to be sold, and received his *lods et ventes* on the sale. The name of this *Censitaire* is Michel Bernier, he now resides at Lotbinière.

13.—I know of none.

14.—There is a mill which belongs to the Seignior, it grinds grain when there is water enough, but it is often stopped for want of water.

15.—There is also a wind mill.

16.—I do not know their value.

17.—I have bought pieces of land, and the Seignior has not offered to take them *en retrail*.



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18.—The right of *retrait* is seldom exercised; nevertheless it has been exercised upon a lot of land, on one occasion to my knowledge.

19.—Not to my knowledge.

20.—Rarely.

21.—Yes, I consider it so, and the *Censitaires* complain loudly that the *lods et ventes* received by the Seigneur on buildings and improvements made upon a lot of ground by the *Censitaire*, are not fairly due to him, inasmuch as the Seigneur in such case profits by the labor of a person whom he does not pay. Having sold a house by a notarial deed for the purpose of being removed from off the land on which it was built, and having shortly after sold the land on which it stood, the Seigneur exacted *lods et ventes* on the two sales, and compelled the payment of forty-one shillings and eight pence on twenty-five pounds.

22.—Yes.

23.—It is burdensome, but it does not, to my knowledge, prevent the clearing of the land.

24.—Not to my knowledge.

25.—No, I have no objection to do so. The *Censitaires* wish to be relieved from paying *lods et ventes* on their labour and trouble.

26.—I know nothing of this.

27.—The *lods et ventes* are especially onerous on *emplacements* having buildings on them.

28.—Yes, I think it is very injurious; there are lands on which at least their value has been given to the Seigneur in the shape of *lods et ventes*.

29.—For my part I think that *lods et ventes* are not due upon a man's labour.

30.—The new lands are conceded at five shillings per *arpent* front. I have seen old deeds by which lands in this parish were conceded at ten pence the *arpent*. By the *titres-nouveaux* the Seigniors fixed them at one shilling and eight pence.

31.—I can say nothing about this.

32.—Not to my knowledge.

33.—I am unable to answer this question.

34.—Not to my knowledge.

35.—I know nothing of this.

36.—I have no knowledge of this.

37 & 38.—I know nothing of this.

39.—Yes, if the Seigniorial rights and all that relates to them could be got rid of, it would be a great advantage to the *Censitaires*.

40 & 41.—The Commissioners are much more able than I am to decide on such a plan, so as to do justice to the people and to apply a remedy to their sufferings.

42.—For the past I demand nothing; but for the future, every one and I in particular would earnestly desire that there should be changes advantageous to the *Censitaires*. I am unable to suggest them in detail.

43.—Yes, arbitrators named by the parties respect-

ively would seem to me to offer the best means of fixing the commutation so as to ensure to each that justice to which he is entitled.

44.—No, I have never given it any special attention.

45.—I can furnish no other information than that which accompanies these answers.

46.—I am unable to suggest a plan of commutation; not having given it my special attention.

47.—I am not competent to give an opinion on this point.

48.—I have nothing further to add.

(Signed) FRANCOIS GUISSON.

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No. 44.

*Letters from Censitaires of Rimouski.*

(Translation.)

RIMOUSKI, 13TH OCTOBER, 1842.

SIR,—In reply to your letter dated the 18th May last, we have the honor to state for the information of the Commission of Inquiry on the Seigniorial Tenure, that after having read the Bill, to provide for the voluntary commutation of the Seigniorial tenure in the Seigniories of Lower Canada, and also the series of questions which accompanied it, we are sincerely of opinion, that the said Bill cannot meet the approval of the *Habitans*, inasmuch as they are generally too poor to be able to avail themselves of the benefits of the Bill; but that it would be better to reduce the present rate of *lods et ventes* to that of five per cent, on all sales or acts equivalent to sale; to suppress them entirely on all life-rents or life-annuities, upon donations in the collateral line, as well as to non-relatives, upon legacies and bequests in the collateral line or to strangers, on condition of paying a rent or alimentary pension; and also on the price of any building, erected on any building-lot or ground whatever; the right of *lods et ventes* in such cases being very injurious to industry and commerce, and to the advancement of Agriculture and of public improvement.

We think therefore, that the Seigniors can, in justice, only exact *lods et ventes* on all sales or acts equivalent to sale, in proportion to the value of the land itself, and at the rate of six per cent thereon; and that the conventional *retrait* frequently exercised by the Seigniors, ought not to be transferable by them to a third party, inasmuch as it operates as a very great discouragement to the *Habitans* in the acquisition of property. It would also be desirable that the rate of *lods et ventes* should be reduced to that at which the old concessions were made.

We have the honor to be, Sir,  
Your humble &c.

Here follow 11 Signatures.

J. E. TURCOTTE, Esquire,  
Secretary, &c., Montreal.

No. 45.

*Answers of John Thomson, Esquire, of Quebec,  
Agent of Sir John Caldwell, Seigneur of the Fief*

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of Lauzon, in the County of Dorchester, to the Questions submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

1.—Yes.

2.—Four.

3.—I do not know what is the true and exact value of the said mills, they are all much in want of repairs; two of them have four pairs of stones, one three, and the other, two pairs on. The net annual value of the rent on *droit de mouture*, for the last ten years has been for St. Henry.....£154 C'y.  
St. Charles..... 44 "  
St. Nicholas..... 60 "  
Point Levy mill has been in the hands of John Davidson, Esquire, now in Kingston, and in consequence I am unable to state its revenue.

4.—Two exclusively, St. Henry and St. Charles; the other two, St. Nicholas and Point Levy, are used for both purposes.

5.—Answered in the last query.

6.—I do not feel myself sufficiently acquainted with this subject to give an opinion.

7.—Answered in last question.

8.—I am not prepared to offer an opinion.

(Signed) JNO. THOMSON.

No. 46.

Answers of William Brown, of Valcartier, to the Interrogatories submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

1.—Under the Jesuits' Estates.

2.—Twenty years, or thereabouts.

3.—Andrew Stuart, Esquire, deceased, and the Honorable John Neilson.

4.—I am in possession of a Notarial copy of the deeds belonging to such lands, but the Honorable John Neilson will furnish for the whole.

5.—I believe the Honorable John Neilson is in possession of such deeds of concession.

6.—I am not in possession of any *titre-nouvel*.

7.—It is impossible for me to say.

8.—It is not in my power to answer this question, but we hold our land under the Jesuits.

9.—In the 4th concession my land is six *arpens* by thirty, and in the 5th concession of Valcartier, six by thirty do.

10.—I cannot say.

11.—We have but few burdens or restrictions upon us, being solely under the Jesuits.

12.—I never heard of any complaints being made.

13.—I cannot say how many there are belonging to the Jesuits, but there are only two in our district, *viz*: one *banal* mill, and one oatmeal and barley mill.

14.—Yes.

15.—They are used solely for the use of the inhabitants.

16.—I cannot positively state the value of them, the rent of our oatmeal and barley mill, is about £20 per year.

17.—I never purchased any.

18.—I cannot positively say, but I believe it is.

19.—I have never heard of any.

20.—I never heard of any such occurrence.

21.—I consider the *lods et ventes* to be of a very onerous and burdensome nature, and have frequently heard of very heavy complaints relative to the same, and consider as long as such *lods et ventes* exist, that they tend much to retard the public from improving their properties; it is universally complained of.

22.—We have no reservations of this kind.

23.—We have no complaints of this kind, in our district.

24, 25 &amp; 26.—I never heard of any.

27.—This is a general complaint, and frequently doubles the value of the lot.

28.—It is of a very injurious nature, and tends much to prevent public improvement.

29.—I cannot say.

30.—I never heard of any in our district.

31.—I never heard of any such actions.

32.—I was not in the country at this period.

33.—I cannot make any reply to this question.

34 &amp; 35.—I never heard of any.

36.—I never heard of any such actions being instituted.

37.—I never heard of any.

38.—I cannot make any reply to this, further, than I have never heard of any such complaints in our district.

39.—Free and common soccage I presume to be the best tenure, and calculated more for the welfare of the people generally.

40.—As to this question, I cannot give the Board any satisfactory reply.

41.—I consider if it was left to arbitration, it would be the fairest way to decide this question, and in case the arbitrators should not agree, then, let an umpire be chosen to decide on such system of commutation.

42.—It is out of my power to answer this question.

43.—I consider arbitrators indifferently chosen by the Seignior, with power given to the said arbitrators to choose an umpire, the fairest and best plan to be pursued.

44.—For my part I consider the Bill referred to, fair and equitable, and one likely to meet the wishes of the people, provided the fees, as far as regards the registering the deeds are kept in moderation.

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- 45.—I cannot answer this question.
- 46.—To this, I can give no answer.
- 47.—To this also, I can give no satisfactory answer.
- 48.—I can furnish the Board with no further information than I have already done, to the foregoing questions.

## No. 47.

Answers of Félix Tetu, Esquire, N. P. Lauzon.  
(Translation.)

1.—How long have you been employed as Notary for the Seignior of Lauzon?

Since the year 1795. I had an opportunity of being acquainted with the affairs of the said Seignior for the five years preceding that period, having served my clerkship with Mr. Duchesnaux, Notary, who had all the Notarial business of the said Seignior up to the time when he was appointed Judge at Three Rivers.

The rest of the questions, as numbered here, are the same that were proposed to A. A. Parent, Esquire, Notary.

2.—Yes; I am in possession of the said Grant, and I transmit a certified copy. I am in possession of the declarations of the proprietors of two *arrière fiefs* in the Seignior of Lauzon, one of which belongs to the Ursuline Nuns, and the other to Thomas Wilson, Esquire, now represented by Mr. Robertson.

3.—Answered above.

4.—I am in possession of the acts of fealty and homage performed by Sir John Caldwell, and I transmit a certified copy thereof.

5.—Answered above.

6.—I am not in possession of any *aveu et dénombrement*. Sir John Caldwell made none, neither did his father; and I have reason to believe that none was made subsequent to the conquest, by General Murray or his legatees, from whom the Honorable Henry Caldwell purchased the Seignior of Lauzon, and other property, by a deed passed before me on the 21st June, 1802, having, before that period, held the whole from General Murray by an emphyteotic lease for ninety-nine years.

7.—There has been none to my knowledge; if there had been I should have had it in my power to furnish copies thereof.

8.—Declarations for the formation of a *papier-terrier* for the said Seignior were made and received from 1822 to 1825, the said two years inclusive.

9.—Books were made up for each of the Parishes in the Seignior, showing the extent of lands held by each *Censitaire*, the amount of Seigniorial *cens et rentes* payable annually, and the amount of the arrears due to the 1st October, 1835. Since that time Mr. Archange Parent has held the reins of government here, and knows how many Parishes there are.

10.—I am not in possession of any of the ancient concessions made by the first Seigniors or Grantees of the Seignior. There are none in the possession of

Sir John Caldwell, nor of any person acting for him. What there were of this kind were destroyed at the first burning of the house of the Honorable Henry Caldwell, at St. Foy, he being then Seignior of Lauzon, and in 1833, by another fire at Etchemin.

11.—Answered above.

12.—The following table will answer this question, or furnish the required information, as far as it can be done:—

By the oldest books relating to the Seignior of Lauzon it appears, that, prior to the conquest of the country, lands in the said Seignior were conceded at the rate of six *livres*, (*tournois* currency) and three *sols* of *cens*, also *tournois*, for 120 superficial *arpens*, that is 3 *arpens* by 40: *Tournois* 6 *livres* 3 *sols*, =7s. 3½d. of the present currency. N. B. These are the *cens et rentes* with which these lands remained charged up to the present time.

That, subsequently to the conquest, lands were conceded at the rate of ten shillings rent, one day's work (of *corvée*,) or two shillings, at the option of the Seignior, or six *sols* of *cens* for 90 superficial *arpens*, that is 3 *arpens* by 30=12s. 3d. From about the year 1804, until about 1815, they were conceded at the rate of 15s. 3d. for the same superficial extent, that is, 3 *arpens* by 30=15s. 3d.

Lastly, from the year last mentioned until the present time, at the rate of 22s. 9d. for the same superficial extent.

13.—Six Parishes, having each a Church or Chapel and a resident *Curé*.

The concessions to the north-east of the River Etchemin, to the full depth of the Seignior, are, with the exception of a few lots, inhabited and cultivated. Those between the River Etchemin and the River Chaudière are for the most part conceded; the first and second ranges are, generally speaking, inhabited and cultivated; those in the centre are but little inhabited or cultivated, the soil being swampy. Those to the south-west of the River Chaudière are conceded, and, generally speaking, inhabited as far back as the sixth concession. The other portions, especially those having their fronts on the River Chaudière or the River Beauvillage, are but very partially inhabited or cultivated; these last mentioned lands being the latest conceded. A considerable portion, say one-sixth or one-seventh are not yet conceded. The soil in the portions not conceded is, generally speaking, swampy: what may render it valuable, is the facility of draining the whole of these lands, in consequence of their being intersected by numerous small rivers and rivulets, by which three of the mills erected in the Seignior are driven.

14.—Declarations or *titre-nouveaux* were passed before me, during the years above mentioned, by all the *Censitaires* of the Seignior of Lauzon who were present, in favor of Sir John Caldwell, as Seignior.

15.—Answered above.

16.—No question No. 16 or 17.

18.—In making out the declarations or new titles above mentioned, I took the greatest care not to introduce any charge, whether *cens*, rent, or of any other nature, or any reservation, which was not contained in or which did not make part of the original deed of concession, knowing that any so introduced would be null. No difficulty or opposition was even made by the *Censitaires* to pass the said declarations.

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19.—When the said declarations were made, I took pains, as aforesaid, for the purpose mentioned in my last answer. And those *Censitaires* who were not subject to view the reservations of the right of cutting timber, inserted in the concessions made subsequent to 1815, took care on their part, when the declarations were read over to them, that no charge should be inserted which was not found in their original deeds.

20.—There are four *banal* mills; two upon or near the River St. Lawrence; one in the Parish of St. Joseph, of Point Lévi, on the River *à la Scie*, and the other at St. Nicholas on the River *Auncuse*. In the interior, in the Parish of St. Henri, one on the River Etchemin, and the other on one of the branches of the River Boyer. These four mills belong to the Seigneur of Lauzon for the time being.

Within the Seignior, in the Parish of St. Anselme, there is another grist-mill belonging to one Plante, paying yearly to the Seigneur of Lauzon, for the privilege of working it, one hundred minots of wheat. This mill is only a few *arpens* from that of the *Fief* Beauchamp.

There is also another mill built in the *Fief* St. Vilini, (an *arrière fief* of the said Seignior of Lauzon,) and belonging to Mr. Robertson, representing Mr. Thomas Wilson.

N. B. I ought also to mention that one Gautron has built a grist-mill in the said Parish of St. Anselme, on the north side of the River Etchemin, and enjoys the privilege of grinding during pleasure, on paying to the Seigneur one-fourth of the produce of the Tolls.

And lastly, that one Bussière has also built a grist-mill on the Bras, in the Parish of St. Isidore, without permission, and consequently without any special charge. These two mills are only lately built.

21.—I am ignorant of the precise value of these mills, and their exact produce in tolls. I know that at a time which is no longer recent, the two mills, or rather the mill-stones of the two mills by the river side, ground, between the spring and the end of the autumn, Point Lévy, 45,000, and St. Nicolas 32,000 minots. The Schedule referred to at the end of this question was not inclosed, and has not been received.

22.—The Commissioners may obtain this information, to the nearest possible degree of approximation, from Mr. Archange Parent.

23.—From 1822 to 1825, the said years inclusive, the amount of arrears acknowledged, came to a little more than £10,000.

24.—The conventional *retrait* has not been exercised by Sir John Caldwell, during the last twenty years. For more than fifty years, during which I have been acquainted with all the transactions in the Seignior of Lauzon, to which the Seigneur has been a party, the *retrait* has been exercised only three times, and then rather for the benefit of the public than of the Seigneur. What I have to say is, that being directed by the Honorable Henry Caldwell to serve a notice of *retrait* on a man named Carrier, for a lot of land adjoining one Bernard Lagueux, who gave Mr. Caldwell to understand that the price mentioned in the deed was not the price paid, and who offered nearly double for the land if the Seigneur took it by *retrait*; Mr. Caldwell refused to exercise the *retrait*, on my ascertaining, by inquiry on the spot, that the price mentioned was really that agreed for. Sir John also refused to exercise the *retrait* in favor of a party confidentially employed by him, although the latter offered a higher price, saying that as the purchaser had acquired the property at a

public sale he ought to profit by the good bargain he had made.

25.—I have no knowledge of any application having been made, and I do not believe that any has ever been made to Sir John Caldwell, or to the Crown, by any party possessing lands either *en roture* or in *arrière fief* in the said Seignior, in order to obtain a commutation of tenure, either into free and common soccage or into any other tenure.

26.—I know of no other than a small strip of land of about two hundred *arpens*, on the banks of the River Beauvillage and of the River Noire, which was erected into a *Fief* under the name of St. Felix, by Sir John Caldwell. This little *Fief* made part of the Seigniories of Lauzon and Gaspé. The last named Seignior is now the property of Moses Hart, Esquire. I am not aware of any other piece of land of which a grant has been applied for under any other tenure than *en censive*.

27.—I know no person who has applied to the Seigniors of Lauzon for the purpose of obtaining concessions of wild lands, *en roture*, on the terms and conditions usual before and up to 1711. If any such application has been made and refused, I could only give the reasons, in so far as the Seigneur might have thought proper to communicate them to me. What I do know is, that those Seigniors of Lauzon, with whom or for whom I have had to transact business, would certainly have refused to concede on any other terms and conditions than those usual at the time being.

28.—Answered by the answer to the 12th question, by the table which forms part of that answer.

The whole submitted,

(Signed) F. TETU, N. P.

No. 48.

Answers of George Edwards, Esquire, J. P., St. Sylvester, to the Interrogatories submitted to him by the Commission of Inquiry on the Seigniorial Tenure.

1.—I am a proprietor of two lots of land held *en roture* in the Seignior of St. Giles de Beauvillage.

2.—I have been in possession of said land since the year 1825.

3.—One Couture owned the said lots of land before me, cannot say how long.

4.—Herewith I transmit to the Board the copy of the deed of concession

The sixth Question and the five following ones, excepting the ninth, I know nothing about, such *titres-nouveaux* not being executed in the Seignior to my knowledge.

9.—The extent of my land is six *arpens* in front by thirty in depth, and situated in the concession called St. Anns.

13.—There is one Seigniorial mill in the said *Fief*.

14.—The said mill is used exclusively by the *habitans* of the said *Fief* for grinding their grain.

15.—The said mill was originally built as a *banal* mill for the sole use of the *Censitaires*.

16.—I cannot state the exact value of said mill, but

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I understand it is let for one hundred pounds per annum.

17.—I have never bought any land by private sale or otherwise, excepting a few pounds of arrears of rent paid to the Seigniors for the land I now hold.

18.—I consider the right of *retrait conventionnel*, as exercised by the Seigniors, of a very onerous nature to the *Censitaires* in different points of view.

19.—I am not aware of any Seignior renouncing his right of *retrait conventionnel* in favor of any person in consideration of any *bonus* promised or paid.

20.—The exercise of the right of *retrait* is of a very rare occurrence in this said *Fief*.

21.—The right of *lods et ventes* due to the Seigniors on the sale of lands is of a very burdensome nature to the *Censitaires*, and to my knowledge is generally complained of by the inhabitants who are generally desirous of being relieved from the payment of said right, and I believe would willingly pay a small consideration in order to be relieved therefrom, and other Seigniorial rights and charges.

22.—There is a clause in my deed, whereby the Seigniors reserves the oak timber, but nothing is mentioned of pine. The Board may refer to the certified copy of the deed.

23.—The evils attending the reservation of oak timber is not felt in this Seigniori, the soil producing no kind of the oak species.

24.—I do not know any person in this Seigniori holding lands *en roture*, having applied to the Seigniors for a commutation of tenure.

25.—If the Seigniorial Tenure could be modified by reducing the rents to the ancient sum, and abolishing the whole of the Seigniorial rights, charges and reservations, it would answer the *Censitaires* in this Seigniori better than a commutation of tenure; but if the Seigniorial Tenure cannot be modified, I think the tenure of free and common socage would be preferable.

26.—I have not, nor has any other person to my knowledge ever applied to the Seignior to obtain from him lands in free and common socage.

27.—I consider the right of exacting *lods et ventes* on sales of lots or *emplacemens* situated in cities, towns and villages to be of a more burdensome nature and much more objectionable than in the country generally, and the value of the buildings erected on such lots or *emplacemens*, consequently enhance the value of the lot or *emplacement*, to double and in some cases ten times, the value of the lot or *emplacement* when bad land and without buildings.

28.—The right of *lods et ventes* in such cases is highly injurious and prejudicial to industry, and is generally complained of as a hindrance to public improvement.

29.—I cannot conceive of any scheme of commutation whereby the right of *lods et ventes* might be extinguished and its *confrère* the right of redemption; but this, that they should be abolished altogether (*sans réserve*.) The right of *banalité* and the reservation of the timber ought to be commuted according to the nature of things, and I think that the appointment of arbitrators as mentioned in the forty-third question by the respective parties, a proper mode to establish the rights and interests of the respective parties.

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30.—I do not know of such a circumstance having taken place in this Seigniori.

31.—Consequently I do not know of any actions being instituted.

32.—I do not know of any person applying for grants of lands upon the terms and conditions mentioned in said question.

33.—I have no old title whereby I could state with certainty the *quantum of cens et rentes* and other charges, but I have been informed that *quarante sols l'arpent de front sur quarante de profondeur* was the original rent.

34.—I do not know of any person ever being sued for not settling or clearing and cultivating within the time limited in the deed of concession.

35.—I have not, nor has any other inhabitant to my knowledge ever instituted any action against the Seignior, &c. &c.

36.—I do not know of any action having been instituted by any inhabitant against the Seignior, &c. &c.

37.—I do not know of any Seignior who has refused on application made to him to concede wild lands.

38.—I have not any certain knowledge of any *Censitaires* having complained to the constituted authorities in the county of the Seigniorial Tenure.

39.—If it is not practicable to modify the Seigniorial Tenure, a change of tenure to that of free and common socage would in my opinion improve the condition and promote the welfare of the people generally.

40.—It is not easy for me to point out a scheme to remove the difficulties and inconveniences which have resulted from the Seigniorial Tenure, yet I think the evils which may result may be, in a great measure, prevented by a strict adherence to justice.

41.—A general and uniform system of commutation on a fair and equitable basis might be established through the means of arbitrators, and not otherwise, as some wild lands are worth ten times as much as others, so with cleared lands. The convenience of market and the advantages arising from the locality, all demand an impartial consideration.

42.—I think it practicable to modify the Seigniorial Tenure without abolishing it altogether and without injustice to the Seigniors, by reducing the rent to its original standard and abolishing the rights of *lods et ventes* and of *retrait*, it would relieve the *Censitaires* of a heavy burden, and do no injustice to the Seignior as I can see.

43.—If a commutation of tenure has become necessary, I consider the appointment of arbitrators indifferently chosen by the Seignior and *Censitaire* a fit and proper mode, &c. &c.

44.—I have seen the bill intituled an Act to provide for the voluntary commutation of the Seigniorial Tenure, &c. &c. I think it would meet the wishes of the people if passed into a law.

45.—The Board will please to refer to the copy of my deed, for a list of the several Seigniorial rights, charges and reservations.

Answers to the Questions proposed by the Commission of Inquiry on the Seigniorial Tenure, to Jean Baptiste Bouffard, Esquire, of St. Henri de Lauzon, Notary.

## (Translation.)

- 1.—I am a proprietor in the Seigniority of Lauzon.
- 2.—I have been in possession of my land since the 7th February, 1831.
- 3.—Captain Jean Bouffard, my father; he had possessed it since the 30th April, 1816.
- 4.—I am in possession of a copy of the original deed of concession of my land; I transmit a certified copy to the Commission.
- 5.—I refer to my fourth answer.
- 6.—I have a *titre-nouvel* taken out by myself for the said land; I transmit to the commission a copy of that document.
- 7.—I refer to my next preceding answer.
- 8.—The deed of concession and the *titre-nouvel* agree with some trifling exceptions.
- 9.—The extent of the land I possess is three arpents in breadth by 26 in depth; four arpents in depth having been sold long before the land was purchased by my father.
- 10.—The inhabitants of the Seigniority of Lauzon took out new titles in 1822, 1823, 1824 and 1825; all the *Censitaires* were subjected to the obligation to take them out (by virtue of letters patent granted to Sir John Caldwell in 1822) even for divisions of lots and shares belonging to minors. Mr. Félix Têtu was the Notary employed for the purpose.
- 11.—At the time when the new letters were taken out, a great many of the *Censitaires* remonstrated against the Seigniorial charges and dues to which their lands were subjected by their deeds of concession, and more especially against the reservation made by the Seignior of all the oak, pine, spruce, hemlock and birch timber, stone, water, &c. as well as all mines and minerals; and of the obligation on the *Censitaire* to open roads, make bridges and keep the same in repair.
- 12.—These complaints were joined in by a large portion of the *Censitaires* more especially by those in the new concessions.
- 13.—There are four Seigniorial mills in the Seigniority of Lauzon.
- 14.—These mills are exclusively for the use of the inhabitants for grinding their grain; except perhaps those of St. Nicolas and Point Levy, to which grain has been brought to be ground for manufacturers.
- 15.—These mills were built originally as banal mills for the use of the *Censitaires* only, and not with a view to speculation on the part of the Seignior, at least not to my knowledge.
- 16.—These mills may, in my humble opinion, be worth from £500 to £600 each. I must, however, inform the commission, that I am not qualified to make the estimate, having never examined them for that purpose.
- 17.—I have never purchased either at private sale,

nor from the Sheriff, nor by licitation, any land or building lot in the Seigniority of Lauzon, upon which the Seignior exercised his right of conventional *retrait*.

18.—The right of conventional *retrait* as exercised by the Seigniors in this province, is considered as very onerous upon the *Censitaires*. 1st. Because it deprives the purchaser of a sure guarantee, on the part of the Seignior. 2nd. Because it often happens that the Seignior, wishing to favor one person more than another, exercises his right of *retrait* solely at the instance of such person who begins by indemnifying the Seignior for his trouble by a sum of money, always to the great injury of the first purchaser, who in many cases has made great sacrifices in order to acquire the property.

19.—No; not to my knowledge.

20.—The right of *retrait* is, to my knowledge, very rarely exercised in the Seigniority of Lauzon.

21.—I consider the right of *lods et ventes* which the Seigniors have upon each sale or act equivalent to sale, as being very onerous upon the *Censitaires*; it is every where complained of in the Seigniority of Lauzon, and in my humble opinion these *lods et ventes* as exacted in this country are a heavy tax upon the industry of the inhabitants, since they are taken not merely upon the value of the land as first conceded, but also (at each mutation) upon that of all the additions and improvements subsequently made; and further, the *lods et ventes* exacted upon annuities constituted by acts of donation, and calculated, as they are, upon ten years value of the annuity are the occasion of the ruin of a great number of persons. The *Censitaires* earnestly wish to get rid of this right of *lods et ventes*. I am not prepared to say, that they wish to commute for it with the Seignior, and in the same manner as for the other Seigniorial charges and dues. I think they are too poor. But I think I may venture to say, that they would expect to relieve themselves of it upon very easy terms, because the Seigniors have, since the establishment of the said right, made much profit out of the industry of their *Censitaires*, by exacting *lods et ventes* in the manner I have before stated, in the course of this answer. They would expect that the *lods et ventes* should be made payable only on the first sale, or at most, on the value of the land only upon each sale thereof, the value of the buildings and other improvements being subtracted from the price named in the deed, and such value being ascertained by *experts*, or in some other way.

22.—In the original deed of concession of my land, all the oak timber (the land never had any upon it) is reserved in favor of the Seignior and his successors, together with all the timber requisite for the construction or repairs of the parochial church, the Seigniorial manor, and the *banal* mill, of the said Seigniority of Lauzon. See:—deed of concession, from Henry Caldwell to Ignace Pilote, passed before A. Panet, and his colleague, Notaries, and bearing date, 29th June, 1782.

23.—There is nothing burdensome in this reservation, as far as relates to oak timber, for there is none; at least not in the parish of St. Henry. But with regard to the pine timber mentioned in my answer to the last question, this reservation is very burdensome to the *Censitaires*. Not however, (as far as I know) from any impediment it occasions to the clearing of their lands, but because it deprives them of the means of making the ordinary improvements necessary to the cultivation of the land; for the *Censitaire* could derive great advantage from this timber by selling it,

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and employing the proceeds in the improvement of his land.

24.—I have no knowledge on the subject of this question.

25.—I never applied to the Seigneur of Lauzon for a commutation of tenure. I should have an objection against doing so. I am humbly of opinion, that if the Seigneurial Tenure were ameliorated, and its faults, or at least the worst of them, corrected, for instance, if the *lods et ventes* were diminished, the *retrait* abolished, the ancient rate of *cens et rentes* re-established, the reservation of all timber done away with, &c. &c. it would then be the tenure best adapted to the wants and interests of the *Censitaires* of Lauzon. And in this manner, full justice would in my opinion be done to Mr. Caldwell, he having been already sufficiently indemnified by the increased rents in the new concessions (which now form nearly three parishes) by the total reservation of all kinds of timber, pine, oak, spruce, hemlock and birch, by means of which he has carried on so extensive a trade, leaving the lands of his *Censitaires* stripped of all building timber for their own use and purposes; and by the *lods et ventes* he has exacted on all mutations, and upon life-annuities and the improved value of the land. The Commissioners will, however, in their wisdom and in their earnest desire to do justice to both parties, decide so as to save the rights of both. I consider the *Censitaires* of Lauzon as too poor to redeem their ground-rents or to effect any other kind of commutation.

26.—Many *habitans* have, especially in St. Isidore (one of the new parishes) applied repeatedly, before the revenues of the Seigneurie were seized on behalf of the province, (sometimes to Mr. Caldwell and sometimes to his then agent, Mr. Lambert) for concessions of wild lands at the rate of £1 2s. 6d. per 90 superficial arpents, subject to the reserves and restrictions then in use, with regard to other concessions made in the same place. They were refused, without any reason being assigned for the refusal. I am informed that some of them have occupied the lands they applied for, and are clearing them without having any title.

27.—Yes; I think that the right of exacting *lods et ventes* on sale or acts equivalent to sales of building lots lying in cities, towns and populous villages, is in its nature very onerous and still more prejudicial, generally speaking, than in the country parts. I am led to believe that the value of the buildings on these lots generally exceed double the value of the lots themselves.

28.—Yes, certainly; In such cases the right of *lods et ventes* is very prejudicial to industry and trade, and is generally complained of as an obstacle to public improvement.

29.—Never having given my express attention to this subject, I am unable to furnish the Commissioners with any plan for effecting the extinction of the right of *lods et ventes* and other charges mentioned in this question. I can only refer to that part of my answer to the 25th question, which relates to the subject. Certainly, no means ought to be neglected for attaining so desirable an object; and the country will be under everlasting obligations to those who give their attention to it, and more especially to the Commissioners appointed to perform this important task.

30.—I have no knowledge of any of the matters mentioned in this question.

31.—Same answer as to the next preceding question.

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32.—Not to my knowledge.

33.—I have no answer to give to this question.

34.—It is not to my knowledge, that the Seigneur of Lauzon or his predecessors, has ever sued any *Censitaire* for not having occupied and cultivated his land, within the time prescribed by the deed of concession. On the contrary, divers lots which are conceded have been abandoned, and the Seigneur has instituted no action. It is true that these things are generally done by young men who have nothing.

35.—I have no knowledge that any Seigneur has been sued, in consequence of his having refused to concede wild lands to be held *en roture*.

36.—I refer to my preceding answer.

37.—I refer to my 26th answer: as to the names, they are, Ignace Maranda, the elder, Ignace Maranda, the younger, Hyacinthe Paradis, Pierre Ferland, Jean Boutin, Moyse Boutin, Augustin Bouffard, Charles Boutin, and divers others.

38.—It is to my knowledge that the *Censitaires* of divers *Fiefs* and Seigneuries, in this Province, complained by petition to the House of Assembly, in 1835 and 1836. I refer to the Journals of the House of Assembly, for those years.

39.—I am humbly of opinion, that a change of tenure would not tend to promote the welfare of the inhabitants of this Province, provided the present tenure were purged of its onerous charges, the *lods et ventes* being diminished, and reservations of timber, *retrait* done away with; as I have had occasion to suggest in my previous answers.

40.—I have never maturely considered this subject; I am consequently unprepared to suggest any plan to the Commissioners.

41.—I refer to my last answer.

42.—I think it would be very possible so to modify the Seigneurial tenure, as to relieve the *Censitaires* from the divers charges and burdens of which they complain, without doing any injustice to the Seigneur; for example, by giving him *lods et ventes* on the first mutation only; or if it be thought right, to give them to him on all subsequent mutations, at least, let them be exigible on the value of the ground only, deducting the value of all buildings and other improvements, of that nature, which are the produce of the industry of the hard-working cultivator. The *retrait* should be wholly abolished without indemnity, as should also the reservations of all the timber. The rents should be fixed at the ancient rate of 40 *sols* per *arpent*, front. The right of *banalité*, is not a charge sufficiently onerous to be abolished. In the way of indemnity, nothing, or next to nothing, should be allowed to the Seigniors, on account of their having had the advantage of getting out all the oak, pine, spruce, birch and hemlock timber, to the damage of the *Censitaire*, of their having received full *lods et ventes* on each mutation, and on the improvements which are the fruit of the industry of the hard-working *Censitaire*, and of their having raised their rents. In the Seigneurie of Lauzon, the first concessions were made at 40 *sols* per *arpent*, front, with the right of *retrait* and *banalité* and the reservation of such timber only, as might be requisite for the repairs to the manor house and church: and now the rents are £1. 2s. 6d. and all the timber is reserved, and the *Censitaire* subjected to other onerous charges. See Appendix N. N. to the Journals of the House of Assembly, for 1833. No. 51 & 52, declaration and acknowledgement of Jean Bte.

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Morriset, of the 9th January, 1824. Deed of concession by the Honorable John Caldwell to Jean Bte. Morriset, dated 22nd October, 1826.

43.—I refer to my answer to the 39th question.

44.—No answer to this question.

45.—The list demanded in this question, will be found in my deed of concession, of which I transmit a copy to the commission, and to which I refer for that purpose.

46.—The most equitable mode, in my humble opinion, for establishing the value in money of each of the Seigniorial rights, would be by the appointment of well qualified *experts*, or by Commissioners constituted by competent authority.

47.—The actual value of the things.

48.—No answer.

No. 50.

*Letter from Etienne Dalairé, Lauzon.*

(Translation)

SIR.—Numerous occupations, and the hope that you could not fail to receive abundance of information, calculated to acquaint you with the abuses and exactions which are so frequently met with in the present Seigniorial system, have hitherto prevented my fulfilling a duty, which the interests of the agricultural classes require me to perform. But now that I am again called upon, I comply without further hesitation, regretting only, that I can but imperfectly acquit myself of the duty.

At divers periods, extending from 1826 to 1838, inclusively, I have become proprietor of certain lots of land, lying within the *Fief* and Seignior of Lauzon. In 1826, I bought from Thomas Samson, a piece of land, of which he had become proprietor in 1815. In 1838, the latest date at which I have made any acquisition of this kind, I became the purchaser of another lot of land, by virtue of a sale made to me by my brother, Thomas Dalairé.

It was impossible for me at the time, as it has been ever since, to procure any *titre-nouvel*, relating to either of the properties above mentioned, or to any of those I have acquired between the two periods above mentioned. Neither have I in my possession, the original deed of concession of any part of my said property, and I am ignorant in whose possession they are.

I have in the 3rd range of Concessions, in the parish of St. Joseph of Point Levi, a lot of one *arpent* in front by thirty in depth; and another of two *arpens* and four *perches* in front by thirty eight in depth, in the second concession in the same parish.

In reply to the 8th Question put to me, I answer, that it is perfectly within my knowledge, that in 1825, the greater part of the *Censitaires* took out new titles, and that Félix Têtu, Esquire, the Notary employed on behalf of the Honorable Sir John Caldwell, Seignior of the *Fief* and Seignior of Lauzon, compelled the people (who remonstrated against the measure) to submit to the demand, threatening them with the law if they refused. It is also to my knowledge that divers objections were made by the *Censitaires* of a part of Lauzon, with regard to the Seigniorial reservations and charges.

It is also perfectly to my knowledge, that the *banal* mill at Point Levi is employed as often as opportunity offers, (which is very frequently) in grinding the grain of persons not resident in the Seignior, and even coming from a great distance: and that many times during the present season, the *Censitaires* who are bound by law to take their grain to the said mill, have not been able to get their inferior kinds of grain, that is any grain except wheat, ground at the said mill.

The right of *retrait* is, in my opinion, one of those monstrous devices, calculated to frustrate the hopes of the honest and laborious *Censitaire*, by preventing him from availing himself of the fruits of his industry. It is moreover a system of fraud and extortion, inasmuch as it often happens, that Seigniors attend the sales of lands lying within Seigniories, for the purpose of preventing parties from bidding for them up to their value, by telling them, that if they bid it will be lost labour, because they intend to take the lands by *retrait*. The consequence is, that the lands are sold at low prices; the Seignior, who frequently makes a bargain beforehand with a third party, exercises his right, and sells the property to such third party, at a much higher price. The *Censitaire* is the loser, and the Seignior increases his fortune.

I consider the *lods et ventes* as being still more injurious to the interest of the *Censitaires*. First, the *lods et ventes* are not a legal interest, but an usurious one, the only instance, I think, in which such interest is authorized by law. Still, if this usury had its limits—but it has none. For example, I buy a piece of land, for which I give, say £24. The Seignior will receive, as his right now stands, no less a sum than £2. Now, by my industry and labour and by the different buildings I erect and the other improvements I make, I increase the value of this little piece of land to the extent of £1000 or upwards. The property passes into other hands, and by virtue of a law, which is far from being founded in equity or justice, the new proprietor will have to pay the Seignior the *lods et ventes* on £1000, the value to which it has been raised by my toil and industry. This is paying to a person who has done nothing, the interest and more than the interest of the money I have employed in improving a property, for which I had already paid an unfair price, it is paying the interest of my money to another. I think the greater part of the *Censitaires* would be ready to commute this system of fraud and injustice into something more reasonable, (for a fixed price of redemption perhaps) leaving always to the *Censitaire* his option, if there should be an alternative. I shall add in answer to the 27th question, that it seems to me that the injustice is the more crying, inasmuch as the improvements made on the property increase its value, and exceed the original value of the land. This, as before stated, is to make a man pay a tax on his own industry to the Seignior; and such a law tends to impede the progress of trade and improvement in general.

I have no personal knowledge of the fact, but I have frequently heard it said, that Mr. Pozer had refused to concede his wild lands; and that applications of the same kind had been refused, by the Seigniors of Lotbinière and other places.

I take the liberty of transmitting with my letter some documents, which will give you an idea of Seigniorial exactions. I could furnish you with many others, supported by affidavits, if it were necessary. I could, for instance, prove that one Lambert, paid £200, for a lot of land: this land, like those mentioned in the papers I send you, being in a state of nature, and subjected to the same rents.

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Allow me to remark, that in the papers I transmit, mention is made of two men, of the name of Joseph Lemieux. They are different persons.

I have now, Sir, to apologize for the imperfect manner in which I have acquitted myself of my task, and to beg of you to believe me.

Sir,  
Your very obedient servant,

(Signed) ETIENNE DALAIRE.

J. E. TURCOTTE, Esquire,  
&c. &c. &c.

No. 51.

Two Documents produced by Etienne Dalairé,  
Lauzon.

(Translation.)

No. 1.

PROVINCE OF LOWER CANADA, }  
DISTRICT OF QUEBEC. }

Before me, Joseph Laurin, one of the Commissioners of the Court of King's Bench for the District of Quebec.

Personally appeared Antoine Lemieux, and Joseph Lemieux, both farmers, residing in the Parish of St. Joseph of Point Levi, who having been duly sworn on the Holy Evangelists deposed and said, that they obtained from the Honorable John Caldwell, Seigneur of the said place, by deed of concession bearing date the 23d July, 1825, two lots of land then lying in the second range of concessions of the said parish of St. Joseph of Point Levi, and now, by a late division, forming part of the parish of St. Jean Chrysostôme, each of the said lots containing three *arpens* in front by thirty in depth, as set forth in the deeds of concession of the said lands; and that each of the said lots of land is charged with the payment to the Seigneur of one *minot* of good, sound, dry, merchantable wheat, or five shillings currency instead thereof, for each thirty superficial *arpens*, as a Seigniorial and irredeemable ground rent, and with six *sols* of *cens* for the whole of each of the said lots; such rent and *cens* being payable, either in money or in wheat at the option of the Seigneur, on the first day of October in each year; the said *cens* carrying with it the right to *lods et ventes*. The owners of the said lands being also bound to carry the grain grown thereon to be ground at the *banal* mill of the said Seignior of Lauzon, and having no right to cause it to be ground elsewhere, except on paying the toll to the Seigneur. That the said Seigneur also reserved for himself, his heirs and legal representatives, all the oak timber fit for the construction of ships of war, and all other timber and materials necessary for the construction of mills, manor houses, and other public works in the said Seignior, &c. &c.

That notwithstanding the charges aforesaid, each of the deponents paid to the said John Caldwell, the Seigneur, the sum of one hundred pounds currency, for the said lots of land, respectively, which said sums were not mentioned in the deeds of concession notwithstanding the request of the deponents; and

moreover that they were refused receipts for the said sums. And further the deponents say not.

(Signed) their  
ANTOINE x LEMIEUX.  
JOSEPH x LEMIEUX.  
marks.

Sworn before me, this 5th September, 1842.

(Signed) JOSEPH LAURIN, C.K.B.

No. 2.

POINT LEVY, 30TH OCTOBER, 1817.

Mr. Têtu, Notary, may draw up a deed to Joseph Lemieux, by which I shall sell him a lot of land three *arpens* in front by thirty *arpens* in depth, lying in the second concession in the Seignior of Lauzon, in the parish of St. Joseph of Point Levi, and being the number fifteen; the said land being part of my domain, and bounded on the south-west and on the north-east by unconceded lands, in front by the Surveyor's line establishing the depth of the unconceded tract of land at the end of the first concession, and in the rear, at the end of the said thirty *arpens*, for and in consideration of the sum of one hundred pounds currency, on account whereof I have received twenty-five pounds, for which the deed will contain a receipt, and the remaining sum of seventy-five pounds being payable in November 1818; the said land to be subject also to the payment of a *minot* of wheat or a dollar of yearly ground-rent for each *arpent* in front by thirty *arpens* in depth, and also to one *sol* of *cens* for each *arpent* in front, payable for the first time on the 10th of October next. In other respects the deed will contain the usual clauses.

(Signed) JOHN CALDWELL.

No. 52.

Answers of Antoine Bernier, N. P., and others,  
Rimouski.

(Translation.)

SIR,—In reply to your Circular, we beg leave to submit the following brief answers to the questions proposed for our consideration by the Commission of Inquiry on the Seigniorial Tenure.

We are, Sir, with much respect,  
Your obedient and humble servants,

(Signed)  
CHARLES FRANCOIS CARON, Councillor.  
LOUIS BELANGER, Capt. Militia.  
ANT. BERNIER, N. P.

1.—Yes; In the Seignior of Nicolas River, now belonging to ladies of the name of Drapeau.

2.—Bernier, three years and a half; Belanger, twenty-one years; Caron, thirteen years.

3.—Bernier, from Ambroise Talon, who had held it four years; Belanger, from Noël Thibault, who had held it twelve years; Caron, from Bonaventure Berger, who had held it five years.

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- 4.—Yes ; we transmit one.
- 6.—No new titles in this Seignior.
- 8.—Nothing of the kind here.
- 9.—Bernier,  $1\frac{1}{2}$  *arpent* front by 18 in depth ; Belanger, 4 *arpens* front by 40 in depth ; Caron,  $2\frac{1}{2}$  *arpens* front by 40 in depth, in the first range.
- 10.—This case has not occurred.
- 11 & 12.—Same answer.
- 13.—There is none, though often asked for.
- 14.—This question does not apply here.
- 15 & 16.—Same answer.
- 17.—No.
- 18.—Yes ; especially when the Seignior exercises the right for the purpose of handing over the property to another, and not in order to re-unite it to his domain.
- 19.—No.
- 20.—It has only been exercised once to our knowledge, and then with regard to the ground on which a saw-mill is now built.
- 21.—The general opinion of the *Censitaires* is, that the *lods et ventes* are a great impediment to the advancement of improvement. They desire the extinction of Seigniorial rights and dues on the lands they hold *à titre de cens*. They wish to be relieved from the right of *lods et ventes*, by any means which the Commission shall deem advisable, and also that the Seigniorial rents be reduced to the ancient rate of one *sol* for each superficial *arpent* and a *capon* ; but we wish, in any case, to preserve our present tenure.
- 22.—We refer to the deed of concession. The reservations are not onerous here.
- 23.—The reservation of the timber is no impediment to the clearing of the lands.
- 24.—No ; nobody has.
- 25.—Yes ; we have an objection to commute our ancient tenure. We wish to preserve the Seigniorial Tenure with modifications and amendments, as to the Seigniorial rights and dues, so that the system may not be so burdensome as it now is. This is the general opinion.
- 26.—No ; never to our knowledge.
- 27.—The exaction, in the country parts, of the immediate payment of the *lods et ventes* on ten years value of a life rent, is almost as burdensome as the exaction of *lods et ventes* on building lots in Towns and Cities.
- 28.—Yes ; it is a great impediment to industry and to trade, that *lods et ventes* should be exacted at the exorbitant rate permitted by the law, on each mutation of property. This is generally complained of.
- 29.—Other persons, more competent than we are, will submit to the Commission effective plans for the extinction or modification of the Seigniorial rights and dues.
- 30.—We do not think that such a case has occurred here.
- 31.—No.
- 32.—Not to our knowledge.
- 33.—We refer to the deed of concession transmitted, by which the *quantum* of *cens et rentes*, and the charges stipulated, will appear.
- 34.—No such proceeding has occurred here.
- 35.—Same answer.
- 36.—Same answer.
- 37.—The Seigniors have, for several years past, deferred conceding : we do not know for what reason.
- 38.—No complaint has been made by the *Censitaires* of this Seignior, to the authorities of the country, against the tenure or the charges and dues attending it.
- 39.—Yes ; any change of tenure consistent with the French Law ; not into free and common soccage.
- 40.—We have not yet thought of any plan or scheme for relieving ourselves from the heavy Seigniorial charges.
- 41.—We wish to improve the present system, upon some principle which shall be just and fair to the parties interested, without changing our tenure.
- 42.—The modifications required in the Seigniorial Tenure may, we think, be effected without injustice to the Seignior, either by fixing the *lods et ventes* to be taken once for all, or by reducing them, with reference to the past.
- 43.—If the system of commutation be voluntary, our conviction is, that it will have no effect. The appointment of arbitrators would be a good method for regulating the respective rights of the parties.
- 44.—Our objections are stated in the foregoing answers, as to those parts only which tend to change our tenure.
- 45.—No others than those mentioned in the deed of concession.
- 46.—Our opinion on this subject is, that we do not wish to redeem the Seigniorial charges by the payment of a sum of money. Let them be reduced in a fair and equitable manner.
- 47.—Same answer.

No. 53.

Answers of François Vielle, and others, of River-du-Loup, in the District of Quebec.

(Translation)

1 &amp; 2.—Yes ; I am proprietor of a lot of land in the Seignior of River-du-Loup.

3.—Joseph Dumas and François Boucher owned it for twenty-five years.

4.—Yes ; it has been for three years in the hands of Mr. Duval, Advocate, at Quebec, to be used in a suit with the Seignior.

6.—It is also in the hands of Mr. Duval, for the same purpose.

8.—Yes ; under the original deed I paid only 1s. 3d. and the *titre-nouvel* said 2s. 6d.

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- 9.—My land is six arpents wide and forty in depth.
- 10.—Yes; all the *habitans* were compelled to do so: the Notaries employed were Mr. Bernard Duberger and Mr. Baptiste Taché.
- 11.—Yes; all of us, (that is, all the *habitans*;) remonstrated strongly against all the reservations imposed upon us, but without effect, as we were not masters.
- 12.—The objections were almost universal.
- 13.—There is but one, and it is not a *banal* mill.
- 14.—No; the mill is for the use of whoever may come to it.
- 15.—No; this mill was not built at first as a *banal* mill; and the grist and saw-mills both were only built to serve the purposes of the Seigniors.
- 16.—The value of the mill for the use of the *habitans* is of some consequence, for it is insufficient to meet their wants, and they are frequently obliged to go to the neighbouring mills.
- 18.—Yes, very onerous, for it happens frequently, and causes much injury.
- 20.—Very frequent; and this is a source of great injury to us.
- 21.—Yes; it is very onerous to the *habitans*, and is generally complained of. The people wish to get rid of all these charges.
- 22.—Yes; all these reservations have caused great damage to the *habitans*, as we have not even the power to use the timber for our own purposes, and it generally impedes the cultivation of our lands.
- 24.—Yes; we complained to the Seignior for the purpose of obtaining timber for our own purposes, but we were always refused.
- 26.—Yes; they have been refused to several, by means of the very high rates now demanded, in comparison to those mentioned in the old deeds; and the lands have been shortened ten arpents.
- 27.—That happens frequently.
- 28.—Yes; very injurious; it is generally complained of, as an obstacle to public improvement.
- 29.—Not daring to undertake to suggest any plan for accomplishing what we desire on this head, we simply recommend, that we may be discharged from all these burdens.
- 30.—There are, very often, cases of this kind.
- 32.—Yes; from 1711 to the present year, 1842, the *habitans* have often demanded lands in concession from the Seigniors; but they have been refused, because they could not support the reservations insisted upon.
- 33.—The rates were these:—the Seignior would only concede thirty arpents in depth, and reserved all the timber, stone, and water power; and he raised the rent by one-half; this has prevented our increasing the extent of our lands.
- 34.—Yes; after having conceded lands as demanded, the Seignior re-united them to his domain, because the *Censitaire* could not settle upon them within a certain time.

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- 35.—In these cases the poverty of the *habitans* has prevented their complaining against the Seignior, and they have borne their wrongs in silence.
- 36.—No person has ventured to complain, for want of means.
- 37.—Several; and many persons have long suffered for want of land, in consequence of the reservations made by the Agents of the Seigniors, as may be seen in many places.
- 38.—For want of sufficient knowledge, no person has ventured to bring a complaint.
- 39.—A change of tenure would be what we should wish, in order to promote our welfare; and it is what we have long desired.
- 40.—We leave the matters mentioned in the 40th question to the wisdom of the Commissioners, provided we be relieved from all these inconveniences.
- 48.—Since you permit us to mention such things as concern our welfare, we beg leave to say, that we are deprived of all pine, and other timber, and generally of all such materials as are requisite for building our houses, in consequence of the Seignior's having leased his rights for many years past; so that we have no resource except to apply to Her Majesty the Queen to obtain a certain extent of land on which to settle our large families, who can now find no land except on the Crown Domain, in this neighbourhood. We beg you to be pleased to represent these facts on our behalf, in order that we may not be compelled to find a settlement in places where we should be strangers.

## No. 54.

*Answers of Flavien Lapointe, of St. André, to the Questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

- 1.—I am a proprietor in the Seignior of L'Islet du Portage.
- 2.—Since the 11th June, 1830, of one lot, and of another since 17th August, 1836.
- 3.—Alexis Soucis was the proprietor of one of the lots, and the other was conceded to me by the Seignior.
- 4.—I am in possession of the deed for the lot conceded to me; but I cannot furnish a copy of it.
- 6.—I have no *titre-nouvel*.
- 8.—None.
- 9.—About two arpents square in the first range; and in the third, two arpents in front by the depth of the concession.
- 10.—Yes, I think the *Censitaires* took out new titles in 1836, and they generally complained of the new charges they were subjected to; the Notary was P. Garon, Esquire.
- 11.—Not to my knowledge.
- 13.—There is one.
- 14.—It is exclusively for the use of the *habitans*.

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15.—I cannot say whether it was built for a *banal* mill.

16.—I cannot tell the value of the said mill.

17.—No.

18.—The right of *retrait* is considered as very onerous to the *Censitaires*.

19.—Not to my knowledge.

20.—Never.

21.—I consider the right of *lods et ventes* which the Seigneur has on each sale as being very onerous, and it is generally complained of. The *Habitans* or *Censitaires* wish to be relieved from this charge. I think it beyond a doubt that they would commute with their Seigniors.

22.—The oak and other timber required for mills is reserved on my land; but there are concessions in our parish in which the Seigneur has reserved all the timber fit for exportation.

23.—This reservation deprives the *Censitaires* of the profits he could make out of the timber reserved, to aid him in clearing his land; it is much complained of.

24.—No.

25.—I have never proposed to my Seigniors to commute the tenure; but I should have no objection to commute it, more especially into that of free and common soccage: provided I could afterwards remain under the laws and institutions by which my ancestors were governed.

27.—The right of exacting *lods et ventes* on sales of building lots in towns and populous villages, is injurious, when the buildings constructed on them exceed in value, by one-tenth or more, the value of the ground itself.

28.—Yes.

29.—I think the mode proposed in the bill to provide for the commutation of the Seigniorial Tenure in the Seigniories of Lower Canada, is tolerably well conceived; inasmuch as neither of the parties concerned would be injured; my opinion is, that if the bill became a law it would be advantageous to the parties.

30.—The Seigneur whose *Censitaire* I am, has, to my knowledge, conceded wild lands at a higher rate, than that at which the old concessions were made.

31.—No.

32.—Not to my knowledge.

33.—In this Seigniorly the rates of the old concessions are from twenty *sols* to two shillings and six pence for each arpent of front by forty arpents in depth.

34, 35 & 36.—No.

37.—Not to my knowledge.

39.—In my humble opinion a change of tenure would meet with general approval among the *habitans*, and would promote their welfare, if the commutation were made into free and common soccage.

40.—My knowledge on this point is too limited.

41.—I am not competent to point out any plan.

42.—I do not think that the Seigniorial Tenure can ever be so modified as to meet general approbation, and to effect its extinction.

43.—If all the *Censitaires* had the means necessary for effecting a commutation, I think that the appointment of arbitrators as provided by the said bill, would be equitable.

44.—I am not intimately acquainted with the provisions of the bill; and consequently I cannot say whether it would on all points meet the views of the *Censitaires*.

45.—I am bound to pay the *cens et rentes*; and the land is subject to *lods et ventes* and to the reservation of the timber required for mills or for Her Majesty's ships.

46.—I think that six per cent on the estimated value of the property would be an equitable compensation for all Seigniorial rights and reservations whatever.

47.—The only scale I should propose, as the basis for calculating the compensation to be paid for the commutation of Seigniorial rights in the Seigniorly of L'Islet-du-Portage, in which I am a *Censitaire*, would be the estimated value of our property, respectively, on which we would pay the Seigneur six per cent for compensation.

48.—I have nothing to add to my answers to the foregoing questions.

(Signed) FLAV. LAPOINTE.

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No. 55.

*Answers of certain Censitaires of the Seigniorly of Murray Bay, in the County of Saguenay, to the Questions proposed to them by the Commission of Inquiry on the Seigniorial Tenure.*

(Translation.)

1.—I am; in the Seigniorly of Murray Bay, in the County of Saguenay.

2.—I have been in possession of the said land since 1821.

3.—Nobody before me.

4.—I transmit you the said deed of concession.

6.—I transmit you the said *titre-nouvel*.

8.—With regard to this question, there are some who have been subjected to new charges by their *titres-nouveaux*, as they have told me; I cannot prove the fact myself.

9.—I am in the concession of St. Agnes; I have two arpents six perches and seventeen feet of front, by forty arpents in depth.

10.—The *titres-nouveaux* were passed on the 27th August, 1824; we were compelled to take them out on pain of being sued. The Notary employed on this occasion was Charles Pierre Huot, of St. Paul's Bay.

11.—No; nobody remonstrated against the charges in the *titres-nouveaux*.

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12.—On the subject of this question, there has been no objection.

13.—There are two manufacturing mills in the Seigniorie.

14.—Yes; these mills are for the use of the *habitans*, and for those of any place, who bring grist to them.

15.—These mills were originally built as *banal* mills; but they may now be called manufacturing mills, since they grind all the grain brought to them, from whatever place it may come. We make two or three journies in order to get our flour; and besides, we are three or four leagues from the mill, and have much trouble, especially in the spring and autumn, when half the roads are fit for summer carriages and the other half for winter ones. This makes us labour under great disadvantages in the cultivation of our lands. The Seignior built another mill, it was burned down, and he will not build a new one. All this makes it difficult for us to advance the clearing of our lands. The Seignior will neither build a mill nor let us build one. This statement can be proved, not by one or two persons merely, but by the two parishes of Malbaie and St. Agnes.

16.—The two mills in the Seigniorie are manufacturing mills, for the benefit of the Seignior only.

17.—I have no knowledge that the right of *retrait* has ever been exercised.

18.—No: the right of *retrait* is not considered as injurious to the *Censitaires* of our parish.

19.—I have no knowledge with regard to this right.

20.—The right of *retrait* has never been exercised here to my knowledge.

21.—The *habitans* generally wish to get rid of the right of *lods et ventes*; for I think we are made to pay it unjustly.

22.—No; I have found no inconvenience from the reservation of the timber; but those who come after me may find it a great obstacle.

23.—No; this reservation of timber has never been an obstacle to the clearing of the lands in our parish.

24.—I have no knowledge on the subject of this question.

25.—No; I have no objection to remain under the Seigniorial tenure.

26.—I have no knowledge of its having been done.

27.—We know nothing about this in our part of the country.

28.—Yes; the right of *lods et ventes* is generally complained of.

29.—We wish to get rid of the *lods et ventes* altogether; we wish the reservations of timber to be restricted to that required for *banal* mills and churches only, and that one-half the price should be paid for it, when the whole is taken from only one or two *habitans*; this is our plan.

30.—Yes; the Seignior has conceded wild lands, but on condition that the *Censitaire* shall pay ten or twelve pounds, if he takes the timber, or that the land shall be re-united to the domain. The rent in these cases is higher than the ordinary rents under the Seigniorial tenure.

31.—No; I never heard of any action being brought for this purpose.

32.—I have no knowledge of its having been done.

33.—No; not at all.

34.—No; they have never sued any person for not having performed the settling duties on his land.

35.—No; I have no knowledge of its having been done.

36.—No; not at all.

37.—I have no knowledge of this having been done.

38.—I know of nothing of the kind having occurred in our parish.

39.—I do not think a change of tenure would improve the lands more than the present.

40.—I have no preference for any particular plan, provided we can get rid of the rights above mentioned.

41.—With reference to this question, it has frequently happened, that a person having made a donation to a stranger for a life-rent, the stranger returns the property; well, the stranger pays *lods et ventes* and the man who takes back his property pays them too, on the estimated value of the life-rent; this almost entirely eats up the property of the man who made the donation.

42.—With reference to this question, I shall make a very brief statement. The Seigniors have never earned the *lods et ventes* by the sweat of their brow; their exaction is, according to me, an act of injustice; we do not wish to abolish just rights, but only unjust ones.

43.—With regard to this question, I should think arbitrators of great importance for this purpose.

44.—I have no knowledge on the subject of this question.

45.—With regard to this question; the Seignior has never claimed any other rights than those mentioned in the deed or title.

46.—No; this mode is not desired; for we have not the money requisite to redeem our lands.

47.—If the rights are to be paid for in money, we had better remain as we are.

48.—No; I have nothing further of importance to say on this subject. But we are in a very bad climate, among these holes and mountains, and the Seigniorial rights, which are exacted to the uttermost, increase our distress. It often happens that the frosts come upon us in harvest time, and the Seigniorial rights must still be paid. We have not even leave to take the smallest piece of timber from off the Crown lands, in order to make a little money to pay these excessive charges, unless we pay for it more than its worth.

It is not from interested motives, that I send you these answers to your questions, but for the purpose of enabling you to learn the truth.

Each of the three persons to whom questions were sent, at St. Agnes, has adopted these answers as his own by signing them.

(Signed)

GUILLAUME BOILÉE,  
GASPARD ALAIRE, Councillor,  
JOSEPH GAUTHIER dit LAROCHELLE.

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No. 56.

5TH JULY, 1842.

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*Examination of Alexander Young, Esquire, of Faucault.*

At a meeting of the *Censitaires* held at Clarenceville on the

A committee was appointed to consider of the most advisable scheme for a commutation of the tenure, in consequence of the questions submitted by the Board of Commissioners, and Alexander Young was appointed, with others, to answer the questions.

Mr. Young delivered in answers given by Mr. Townsend which were concurred in by the meeting, and would in addition suggest as his opinion, together with that of Mr. Townsend and others, that a certain fixed time should be settled within which it should be imperative on both Seignior and *Censitaire* to complete the change. The time to be left to the Commissioners, and until the final extinction of all claims, the rights of the Seignior to remain in full force.

In the opinion of Mr. Young the right of *quint* should be given up by the Crown.

The meeting was attended by *Censitaires* of English and American descent, and a few Canadians; but in his opinion, the views of Mr. Townsend would be concurred in by all the *Censitaires* of the Seigniories of Foucault and Noyan. Mr. Young also produced answers given by Mr. Rowe, of Foucault, to the questions submitted by the Board.

The Seigniories of Foucault and Noyan are all conceded and are arable land, and there is very little difference in the value of the lots.

No. 57.

15TH JULY, 1842.

*Examination of Lieut. Col. Gogy.*

1.—Are you owner of any Seignior in this Province?—I am Seignior of the Seigniories of Grandpré, Dumoutier and Grosbois, in the District of Three Rivers.

2.—What are the conditions of the Grants by the Crown of those Seigniories?—I am not in possession of the original titles of those Seigniories. The property has descended to me from my ancestors.

3.—Will you state to what extent those Seigniories are conceded?—These Seigniories are settled to the extent of three-fourths.

4.—What are the rates and conditions *à titre de cens* in your Seigniories?—I commenced a *papier-terrier* of the Seignior thirdly mentioned, which is not yet completed, and the absence of such documents precludes the possibility of my rendering more detailed answers upon the nature of the concessions in the Seigniories. The rates of concession, however, are low; I cannot say that any difference exists between the present rates and the rates of the earlier concessions.

5.—What do these Seigniories produce?—The Seigniories only yielded to me last year about £250.

6.—How many acres of unconceded land are there in these Seigniories?—From 12 to 15,000 acres in the three Seigniories *en bois debout*.

7.—Are there any *banal* mills in your Seignior,

and what do they produce?—There are four mills in the three Seigniories, (*banal* mills) which have been quite unproductive for the last four years. Those mills were built exclusively for the use of the *Censitaires*, and may have cost not less than £2,000.

8.—Can you propose any scheme for converting the Seigniorial Tenure into a free one, for commuting the rights of the Seigniors upon a just principle?—My opinion is, that a commutation is desirable, not that a change would, in itself, be advantageous to the *Censitaires*, but that owing to the excitement existing in the minds of the *Censitaires* respecting the projected change, feelings of hostility exist between the Seigniors and the *Censitaires*, which it would be most desirable to remove. I have thought of a scheme of commutation. It appears that there would be no difficulty in legislating with a view to render valid all voluntary commutation. If it should be found necessary to make the commutation compulsory, it should be compulsory on both sides. In all schemes a just compensation should be awarded for the rights surrendered by the Seigniors; all legislation should be preceded by a relinquishment on the part of the Crown of the right of *quint*.

The rights for the surrender of which the Seigniors are entitled to a pecuniary compensation are, as far as I can remember, the following:—*cens et rentes, lods et ventes, banalité*.

In some cases, reserved timber and mineral, rights of piscary and privilege relating to game; honorary rights to be exercised in churches; possibly some claim might be set up for the right originally conceded of administering justice.

9.—With reference to the commutation, and supposing you were about to proceed in the estimate of the indemnity to be afforded to the Seignior, how would you form your estimate?—I would call for an account of the mutations in the whole Seignior for a given number of years, and strike an average for the yearly income from *lods* and *ventes*, upon which a capital of 6 per cent would be produced. I would then proceed to apportion the capital on the various farms. In forming the scheme of apportioning the capital of the commutation of the *lods et ventes* reference should be had to the probable improvement of the land, and the different values of the lots, such as mill-sites, farms of rich land, probable sites of Towns or Villages. The object being to purchase exemptions from future claims, the comparative value of the soil, and the chances of future mutations, should be kept in view more than the actual state and cultivation of the land.

Commissioners should be appointed to make the necessary estimates and value of the various lots. I think that one Commissioner (possessed of bodily activity, that he may personally repair to and visit every locality) for each Seignior is enough, with an appeal to a Court of Review, for that purpose appointed. This Court to be constituted of a certain number of Commissioners. This Commissioner should be a *public expert en titre d'office*. I think the Seignior entitled to an indemnity for the surrender of the *droit de banalité*. The manner of arriving at the value of this right may be obtained by estimating the yearly value of the consumption of wheat in each family or by the whole population.

This yearly value would produce a capital to be apportioned among the inhabitants: it would be subject to various modifications. It would be, however, necessary, in all cases, to remunerate the Seignior for his loss of prospective advantages consequent upon a change of tenure.

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There are other rights for which the Seigneur is entitled to a pecuniary compensation, of which I cannot speak from memory. If it were not thought too expensive or too tedious, a Commissioner or several Commissioners might be named to hold a Court in each Seignior, and to determine on an equitable commutation, upon an inquiry into each individual case, or a sum certain might be fixed upon each case in consideration for abolishing feudal rights, and the tenant be held to pay his landlord at that rate for all the land held *en censive* by instalments with interest. Thus, fifteen shillings for every acre might, on an average, be deemed a sufficient compensation in lieu of all Seigniorial claims. Or the *lods et ventes* and *banalité*, being the only claims which can be justly deemed objectionable, might alone be redeemed for a certain specific sum or for a per centage by instalments, or these claims might be converted into an annual rent, and added to the *cens et rentes*, and the whole might be divested of all feudal features, and be made redeemable upon the principle of a *rente constituée*, or by instalments. It is manifest, that in every comprehensive measure one must expect cases of individual hardship, some, and possibly adequate reparation, for which might be made out of the wild lands, at the disposal of the Crown.

No. 58.

18TH JULY, 1842.

*Examination of the Honorable Joseph Masson.*

1.—Do you own any and what Seigniories in this province?—I own the Seignior of Terrebonne, in the District of Montreal, for the last ten years. The extent of the Seignior is two leagues in front on the Ottawa River, by six leagues in depth, and contains about ninety thousand superficial arpents; about three-fourths of the whole are conceded, and the rest is wild lands. I have in my possession the original grant of the Seignior from the Crown of France. It was originally granted to Mr. Deslandres; this was a grant of two leagues by two leagues. An augmentation was granted to one Mr. Lepage de St. Claire, and the second augmentation was granted to a Mr. Delacorne. The date of the original grant was in 1673, and for all particulars respecting the concessions of the Seignior and the rates, &c. &c., I refer to my Agent Mr. Germain Raby.

2.—What do you consider the average rate of mutations to be in Seigniories?—I think that on an average, alienations of every farm in a Seignior take place once in twenty years.

3.—What are your views respecting a change of tenure?—I do not think that a change of tenure would be advantageous to farmers. I have thought of the projected change in the tenure of land, and am of opinion that if commutation be made compulsory, it should be so on the part of the *Censitaires* as well as on that of the Seignior, for it would be injurious to the Seignior, and productive of great inconvenience to make it voluntary on the part of the *Censitaire* and compulsory on the part of the Seignior. I also think that a compensation should be given to the Seignior for all his rights, which may be surrendered, as well those of a pecuniary value as those of pure honor or privilege without distinction. The best scheme in respect of the commutation of the *lods et ventes*, would be to value each farm in the Seignior with option to the Seignior to exercise the right of *retrait* in all cases at the estimated value.

4.—What do you think would be a fair compensa-

tion for the surrender of *lods et ventes*?—I am not prepared to say what would be a proper compensation for the surrender of that right, but, at any rate, even without considering the prospective value of the farms, one mutation fine would not be sufficient.

5.—Do you consider the right of *banalité*, and the reservations of the water privileges of great value in Seigniories?—In respect to the Seignior of Terrebonne the principal value of the Seignior is the water privileges. Those privileges are reserved in the original titles, and are all in the possession of the Seigniors. The principal revenue of the Seignior arises from the mills. 1stly. From the exercise of the *droit de banalité*. 2ndly. For the grinding of corn for the purposes of commerce. 3rdly. From the circumstance of there being no mill-site or mills in the neighbouring Seigniories of any value.

6.—Can you give an accurate estimate of the returns of the *droit de banalité*?—I cannot: it varies each year, but it is however considerable.

7.—What do you think would be a good mode of ascertaining a fair compensation for the Seignior for the surrender of that right?—Taking an average income arising from this right in each Seignior, and forming a capital, would be the best way of arriving at its value, but I am not prepared to state any scheme of apportioning the value among the *Censitaires*.

8.—Would you be disposed to commute your Seignior?—I would not be disposed to commute my Seignior, because I consider it impossible to do justice to the Seigniors or the *Censitaires*.

9.—What is the highest rate of concession in your Seignior?—It is two *sols tournois*, five *sols* of *cens*, and a *minot* of wheat for every forty superficial arpents, which is equal to about one pound two shillings and six pence for every one hundred acres. The old concessions are much lower, about two *sols*, being nine shillings for one hundred acres or thereabout. The change in the rates of concession has taken place since the year one thousand eight hundred.

No. 59.

18TH JULY, 1842.

*Examination of the Honorable F. X. Mailhot.*

1.—Are you proprietor of any Seignior?—I own the greatest part of the Seignior of Contreccour, in the District of Montreal.

2.—What is the rate at which lands are conceded within your Seignior?—That Seignior is very old, and the rate of rents is very low. My receipts of *lods et ventes* in this Seignior doubles that of rents: the lands are well improved, and generally of great value.

3.—Have you any *banal* mills within that Seignior?—There is no water *banal* mill—but there are eight wind mills which may be called *banal* mills, five of which are built by the *Censitaires* with permission from the Seignior; and these belong to the latter.

4.—What would you consider, an average mutation of lands in a Seignior?—I think on an average that a farm is alienated once in twenty years; I speak of old Seigniories.

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5.—Are the inhabitants of the country parts in favor of a commutation?—They are not in favor of a commutation which would be based upon an equitable consideration.

6.—What in your opinion would be the best scheme of commutation?—I believe that the specific value of every property ought to be the basis of a commutation, to be ascertained by arbitrators, one sixth of the value of every farm would indemnify the Seigneur for all his rights whatsoever, if the scheme of some men were adopted, that is to value every lot at so much per acre. I think the Seigneur would be entitled to 7s. 6d. per acre; but if the Crown were to give up its right to the *droit de quint* a proportionate deduction ought to be made by the Seigneur; in that case 6s. 8d. would be a sufficient indemnity.

In respect of villages, justice would require the adoption of a different rule of valuation.

7.—Are there any *arrière-fiefs* in your Seignior?—There is one consisting of 240 superficial acres.

No. 60.

20TH JULY, 1842.

*Examination of the Honorable Charles W. Grant,  
Baron de Longueuil.*

1.—Do you own any and what Seigniories in Lower Canada?—I own the *Fief* and Barony of Longueuil, in the District of Montreal, descended to me from my ancestors, and originally granted to Sieur Lemoine, created Baron de Longueuil, for his military services; the first part granted to Mr. Lemoine, consisted of three leagues by four and a half, called Seignior of Longueuil, the augmentation was subsequently granted to Sieur Longueuil upon his being created Baron, the date of the first concession being on the 28th of January 1700, and the date of augmentation being on the 8th July 1710, the whole being created a Barony. I refer to Bouchette and Vondenvelden for particulars. The first *cens et rentes* on the first establishment were one sol (half-penny) for every superficial acre, and one capon for every twenty superficial acres, the lots being four by twenty, forming eighty superficial acres, paying eight *livres*, nine *sols* of *rente* and two *sols* of *cens et rentes*; the first concessions along the St. Lawrence, fifteen or twenty years after the new concessions took place, were granted at one sol per arpent, and half bushel of wheat for every twenty superficial acres, equal to sixteen *livres* eleven *sols*, valuing wheat at six *livres* a bushel; the rates have not changed since then, and this was before the conquest. The village lots at Longueuil were granted at twenty shillings per annum, and have always been so granted. The site of the town of Dorchester was originally granted by M. DeLongueuil to Mrs. Babuty about 1770, and to General Christie about the same time. These concessions were made during the Baroness' minority, by Mr. Deschambault, her tutor, and were afterwards purchased for a large consideration from Babuty and Christie, by her husband D. A. Grant, Esquire, and thereby became reunited to the Domain; Mrs. Babuty had granted some lots for annual rent *foncière* of £3; the remainder has been granted in lots by the Baroness and himself (Mr. Grant) for various considerations, according to the value of the situation, with an additional annual rent of £1.

Longueuil is three by four leagues, increased by augmentation to six leagues by five leagues, all the

lands are granted. I have a mill at Lacadie, its value is £1200, and yields on an average £200 of net annual income.

2.—What is the annual average of *lods et ventes*, including the town of Dorchester?—The average on ten years is £300 to £900 per annum; this amount of *lods et ventes* may be attributed to low rents as far as I know, the property having come into my hands within two years. There have been no new grants made since 1800, the whole having been before conceded.

3.—What is the annual value of *cens et rentes* within your Seignior?—The annual *cens et rentes* are about £1000, on an average of 10 years; the whole income, including all seigniorial rights, is about £2000 per annum. There are many farms held by French Canadians; eighty are let out to Europeans speaking the English language, on an average rent of £60 a-year on every 80 superficial arpents. The farms so let out are situated in various parts of the Seignior. Major Christie, of Foucault, and Sabrevois, holds a farm *en roture* in Longueuil, below St. Johns, which he concedes at a *constitut* of £5 for half an acre; he has six acres in front by six in depth, all let out at that rate, for which concession Mr. Christie pays annually five bushels of wheat and twenty-five *livres* in money, under a grant made by Deschambault, tutor to General Christie about 1776.

4.—Will you have the kindness to favor the Board with your views, relative to a system of commutation?—I think that any compulsory system of commutation would be destructive of the French Inhabitants, because they are generally at this time impoverished by the bad crops caused by the destructive insects, that for years past have desolated the grain, and they would readily sell their farms to Europeans who would purchase if the tenure were free. If the power of commutation were granted at the option of the *censitaire*, or upon the agreement of both parties, very few of the French Canadians would avail themselves of the privilege, because they would be unwilling to advance large capital for the extinguishment of the right upon lands bearing so high a price; and I am not prepared to give any opinion upon the difficult question as to the principle of commutation and indemnity, if such commutation be declared expedient, but I think that if arbitration be the plan decided upon, the value of land per acre ought to be established by law at a maximum of 20s. and a minimum of 10s.; the arbitrators having the power of deciding between those sums, one arbitrator might be named by the Seigneur, and one by the *Censitaire*, and in case of difference of opinion, the third arbitrator would be named by the Court of Superior Jurisdiction, and not by a single Judge. Besides the *cens et rentes*, *lods et ventes* (the *retrait* being merely an appendage) and *banalité*, I consider that Seigniors are entitled to indemnity for the loss of *droit de pêche* and the *droits honorifiques*. By the operation of the conquest, the Seigniors lost the advantages of their local jurisdiction, besides other profitable rights, for which any addition that has been made in the rate of *cens et rentes* would not be equivalent.

In fixing the foregoing maximum twenty shillings has been taken as being the average price of good Township lands.

5.—Have you any *arrière fiefs* within your Seignior?—The nuns, *sœurs grises*, hold parcels of land in the seignior of Longueuil, but I cannot say whether it be by *arrière fief* or *démembrement*.



22ND JULY, 1842.

4th October.

*Examination of Peter Spink, Esq., of St. Charles.*

1.—Have you been Agent for any and what Seigniories in this Province?—I was Agent for about three years for the Honorable Mr. Debartzch, who is proprietor of the Seigniories of St. François-le-Neuf, Debartzch, part of St. Hyacinthe, Cournoyer and St. Marc, in the District of Montreal.

2.—Are you a *Censitaire* within those or any other Seigniories?—I hold lands *en roture* in St. Denis, St. Marc and St. Hyacinthe.

3.—What is the most ancient rate of concession of lands within those Seigniories?—The most ancient rate of rents in St. Hyacinthe on lands conceded by Mr. Delorme, about the year 1779–80, was one quart of wheat, and one half penny for each superficial arpent, and two *sols* of *cens*, making for 90 arpents 2½ bushels of wheat, 3s. 9d. of rent, and 2 *sols* of *cens*.

4.—What portion of the said Seigniorie was granted by Mr. Delorme at that rate?—About seven-eighth of the Seigniorie of St. Hyacinthe were granted at that rate by Mr. Delorme, before Mr. Debartzch became owner; since Mr. Debartzch became proprietor, lands on Rougemont, and near St. Césaire, have been granted at half a gallon and 1½d. for every superficial acre, and one penny of *cens*. In the range of the Barbué and of St. Ours, lands pay two minots of wheat and 7 *livres* 2 *sols* for 60 superficial acres.

5.—Is it within your knowledge that the Seignior purchased lands either at private or judicial sale, and re-granted the same upon more onerous conditions?—Mr. Debartzch frequently became possessed of lands more or less improved, and then has conceded them at the same rate of *cens et rentes*, contained in the original grant, at the same time stipulating the payment of an additional *rente foncière non-rachetable* (unredeemable ground rent) of one minot of wheat for every arpent in front by 30 in depth. Independently of this *rente foncière*, he stipulated in the deed the payment of a price for the same varying according to the value of the land from £50 to £150. Mr. Debartzch refused to grant anew upon the old rates alone. When he thus acquires property, he makes no stipulations as to whether it is to be held by him *en roture*.

6.—What is the rate of concession in the Seigniorie of Cournoyer?—In Cournoyer, all the lands anciently granted pay one half-penny per superficial arpent, and no wheat; there may be half a dozen latterly conceded that pay wheat. In the augmentation of that Seigniorie the concessions are at a high rate, I think that it is half a gallon of wheat for every superficial arpent, making altogether 4½ minots for every 90 superficial arpents. A part of the Seigniorie of St. Hyacinthe, called the range of St. Charles, was laid out about the years 1820, 1822, and conceded at very high rents. People are disposed to take these concessions at this high rate, lands having become scarce; but no settlement has taken place, because the Seignior insists upon the applicant paying all arrears of rent at the same rate since the year 1822, although the lands have never been conceded.

7.—What portions of the Seigniories belonging to Mr. Debartzch are conceded?—The whole of his part of the Seigniorie of St. Hyacinthe is conceded, with the exception of a small part of Rougemont, which is almost inaccessible. The whole of Cournoyer is granted.

8.—Are there any *banal* mills in the said Seignio-

ries?—There are two of value: one at the village of St. Hyacinthe, the other at St. Pie, which are held jointly by him and Madame Dessaulles, three-eighths by Mr. Debartzch, and five-eighths by Madame Dessaulles, being their proportionate shares in the Seigniorie. The mill at St. Hyacinthe includes a grist, saw, barley, and oatmeal mill, grinding for the inhabitants, and for other purposes; it might be let for about £750 per annum. At St. Pie there is a grist and saw mill, yielding £450 a year; the grist-mill is *banal*, only or exclusively for the use of the inhabitants; the toll of the *banalité* average 1,500 minots of mixed grain, and 800 minots of wheat annually. At St. Hyacinthe, the amount of the *banal* toll is nearly double that amount, but upon this point I cannot speak with accuracy; the annual revenue of the Seigniorie Debartzch is about £1,500, there being 1,500 farms. I would say that the average of *cens et rentes, et lods et ventes* on each, would amount to 20s. annually. This is the amount of rent really due; but the actual receipts are greater, for, in consideration of giving time for payment, the Seignior exacts interest, and a high price for wheat rent, often taking a bond or obligation for the amount. About three-fourth parts of the said £1,500 are *cens et rentes*; the remainder is composed of *lods et ventes*. I hold lands in the Seigniorie of St. Denis under an old concession. My farms are of 90 acres, subject to 6 *livres* of rent and 3 *sols*; all my neighbours pay the same *rente*. I think the whole of that Seigniorie is conceded at a very low rate.

9.—Has the right of *retrait conventionnel* been ever exercised, to your knowledge, by Mr. Debartzch?—Not to my knowledge.

10.—Have you ever heard of any claim being preferred for concession of land at what is denominated *anciens taux*, old rates?—No.

11.—Do you consider it desirable that a commutation for the extinguishment of these Seigniorial rights should take place?—Yes.

12.—How, in your opinion, would that object be attained?—I am of opinion that such commutation should take place upon the tenants paying a consideration in proportion to the value of the farms, estimated by appraisers, and that it should be optional for the tenant to pay the amount in cash, or to leave it as a rent charge redeemable on the property, (*à rente constituée*). I think that 10 per cent on the value of the land so appraised would be an equivalent and just indemnity to the Seignior for the surrender of all his rights, and on which he should accept, if he has any regard for his interests. Mr. Debartzch invariably purchases all the lands sold by the judicial sale at his own suit. I am under the impression that the majority of the inhabitants of those Seigniories, who pay the old or moderate rates, and rely on the transmission of property to their posterity, would not commute even on the terms above mentioned. They would give hardly any consideration for the discharge of their lands from those Seigniorial burdens: it may be otherwise with a few persons who speculate by the purchase of lands.

13.—Supposing an account of *cens et rentes* to be made by Mr. Debartzch against any one of his *Censitaires*, at what rate would he charge the wheat rent?—With the exception of two years, he would charge at the rate of 8s. 4d. per bushel, and for those two years 1838–39, at the rate of 10 shillings.

14.—In the oldest letters of concession of those Seigniories, is the rent payable in wheat or in money?—The rent is payable partly in wheat and partly in money.

15.—Would you make any distinction in the amount

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of indemnity between improved and wild land?—It would be difficult to lay down any rule, as the valuation of the land would depend on the situation, the soil, and quality of timber growing on it.

16.—What is the yearly income arising from the *Fief Cournoyer*?—The annual *cens et rentes* amount to £60, while *lods et ventes* would not yield more than £40, because mutations are not frequent, and do not exceed more than one in a year.

17.—Are there any mills at St. Césaire within the Seignior of St. Hyacinthe?—Mr. Debartzch is erecting a mill at St. Césaire, which will be very productive.

18.—Is St. Césaire a thriving and populous village, and how does the feudal system work in that part of the country?—The Seigniorial system, as it works in that Seignior, is ruinous to the *Censitaires*, particularly to those about St. Césaire, where the concessions have been made at a very high rate.

19.—Does the ten per cent on the value of the lands which you conceive would be a just equivalent to the Seignior for the extinction of his rights, embrace any indemnity for the loss of his right of compelling the Seignior to grind corn at his mill?—It does, because the Seignior retains his mills and mill-sites.

No. 62.

28TH JULY, 1842.

*Examination of Augustin Sans-Souci, Joseph De Coigne and Prudent Huot, all of the Parish of St. Césaire.*

They state that they reside on a strip of land called Gore, or deficit, situated between the Township of Farnham and the rear line of the Seignior of St. Hyacinthe. They are settled on Crown Lands; Mr. Debartzch and Madame Dessales claim the property of their lands as Seigniors. About thirty-eight years ago Titles of Concession were granted of some portion of this part of land.

1.—Do you hold titles for your lands?—We have titles for a limited portion of the land we hold, and which were granted at the period above mentioned.

2.—Would you state the rates of concessions of lands as claimed by your Seigniors?—The rates of concession claimed by the concessions of 1804, are one *sol* for each superficial arpent, and a pint of wheat for each arpent, the wheat is valued at about 2d. per pint, since which time later concessions in the same tract of land have been made by Mr. Dessales of which one title of concession is produced, dated the 22d of September, 1824, subjecting the lands to the payment of one *sol* and four *deniers* for each arpent, and a bushel of wheat for every thirty superficial arpents, which would be at the rate of a quart and one third for each arpent.

3.—Do the deeds of concession contain reservations, and of what nature?—Yes, all the oak and pine timber, and one arpent of fire wood in every twenty are reserved, together with all wood necessary and proper for buildings, with the right of fishing and shooting, mines and minerals, springs, lime and sand.

4.—Do the inhabitants of that section of the country wish to be relieved from Seigniorial burdens?—They are favourable to any scheme or plan of commutation which would relieve them from those burdens, and especially the right of *lods et ventes* which is very oppressive to them.

5.—Are the inhabitants of that section of the country in favor of a change of tenure?—The general opinion of the inhabitants of that part of the country is in favor of a change of tenure, as expressed at a meeting held at St. Césaire, on Tuesday last the 26th instant; Mr. Têtu and Mr. Godère, were named by the meeting to communicate with this Commission.

6.—Do the inhabitants complain of the heavy rate of rents?—Yes, and they are anxious to return to the old standard of *cens et rentes*, which they firmly believe was fixed by Royal authority, at the time of the concession of Seigniories, at one *sol* for each superficial arpent, and two *sols* of *cens*, and they have heard, that in some Seigniories one capon valued at a *livre* was added. They would be willing to pay the ancient rent, and pay to the Seignior a commutation of his other rights.

7.—Are mutations of land frequent in that section of the country?—The majority of mutations of property, arise principally from the sales occasioned by the prosecutions of the Seigniors, and we think that all the lands there change hands, at least, once in every 20 years, but the sales are frequent in that part of the country, for the reasons above given.

8.—Do you consider the working of the Seigniorial system, beneficial to the inhabitants?—No, and the *Censitaires* in our country parts think, that the iron rule and exactions of the Seigniors, are wholly ruinous to the farmers, and they would get rid of them at any sacrifice; they attribute the disaffection which prevailed in the country, in 1837 & 1838, principally to the exactions of the Seigniors, and the ruinous and severe manner in which they were demanded and obtained, that is by seizure and execution, and sale of their little furniture and lands. The blame was thrown on the Government, because no effort was made to check the severe course of the Seignior.

9.—What scheme of commutation would you propose?—We think, that whatever sum may be given for the redemption of the rights of the Seignior, should be given in the nature of a *rente constituée*, redeemable at the will of the *Censitaire*, and reducing the rent to the original standard; we think that such a change would prove in the highest degree beneficial to the country, and produce immediate prosperity, and is wished for, by all the inhabitants of that section of the country.

10.—What mode would you propose, in order to ascertain the value of property?—One way of arriving at the estimation of the lands, would be to make every *Censitaire* declare the value of his land before Notaries, with the right of *retrait* in favor of the Seignior, in the event of a low estimation being given, this would enable the Commission to apportion the redemption of that right.

No. 63.

29TH JULY, 1842.

*Examination of the Reverend Joseph Comte, Priest of the Seminary of St. Sulpice, at Montreal.*

1.—Are you, or have you been Agent of the Seminary of St. Sulpice, at Montreal?—I have been their Agent for a number of years.

2.—Will you have the kindness to inform the Board of the rate of concession in the Seigniories of St. Sulpice and Lake of Two Mountains?—The rate of

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concessions in the Seigniories of St. Sulpice and Lake of Two Mountains has not varied prior or subsequently to the year 1681. In the Island of Montreal, the oldest rate was of three *deniers* for every superficial acre, and one capon for every twenty superficial acres; the rate was subsequently increased to a farthing per acre, and one quart of wheat, also per acre—this last rate was established in all the Seigniories belonging to the Seminary, as well as in the adjoining ones.—As for the Seigniorie of the Lake of Two Mountains, the title by the Crown to the Seminary imposes on them the obligation of conceding lands at the same rate as the other Seigniories, and that rate has ever been followed.

3.—Have you ever had occasion to search for any law establishing a rate for the concession of lands in the country?—I have, but in vain.

4.—Is the alienation of property frequent in the old settled establishments?—I think that on an average a mutation of a property may be estimated to take place once in fifteen or twenty years, in the new establishments changes are more frequent; upon this basis I consider that the interest arising out of one *lods et ventes* is equivalent to the right of *lods et ventes* that would accrue at the periods of fifteen or twenty years, and for the obvious reason that a capital doubles itself in fourteen years. A Seigneur would be sufficiently indemnified by the payment of one *lods et ventes*, which being put at interest would be at least equivalent to all the future *lods et ventes* he may be entitled to; but the commutation ought to be general and made within a stated period of time.

5.—What in your opinion would be a proper mode of valuation of property?—I think that property ought to be estimated by arbitrators (*experts*) leaving to the Seigneur the option of purchasing the property at its valued price.

6.—Do you consider that one *lods et ventes* would sufficiently indemnify a Seigneur for the commutation of that right in all cases?—No, not in respect of lands recently conceded, and but little improved.

7.—What mode would be proper to adopt for the encouragement of commutation?—It might be proper to increase the rate of commutation if not made within a definite time, but I do think that the scheme of leaving the principal of a commuted property in the hands of the *Censitaire* at what is called *rente constituée*, he paying the interest, highly objectionable, inasmuch as it would always be considered as a Seigniorial rent, and would be viewed in the same odious light.

8.—Are there any *arrière fiefs* dependent on the Seminary of St. Sulpice?—There are, in the Island of Montreal, the following *arrière fiefs*, viz.: the *Fief Closse*, of two acres in front by forty-five in depth; *La Gauchetière*, of two by ninety; *Nazareth*, of one hundred superficial acres; *St. Joseph*, of six by twenty; *St. Augustin*, of twenty by twenty; *Bellevue*, of twenty by twenty; *Morel*, of eight by twenty-five.

9.—What is your opinion in regard to the feudal system and its working?—The feudal system in my opinion is the best that could be adopted for settling a country, provided it be free of all abuses, and the *reditus* be a moderate one, in conformity with the intention of the Crown when it granted Seigniories in this country; as for the towns and villages where *lods et ventes* bear mostly on improvements, that system will not do.

10.—What in your opinion is the Seigneur entitled

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to for the surrender of his right of *banalité*?—The Seminary of Montreal has thought proper to give up the right of *banalité*; I have however considered the subject, and I do think that the Seigneur is entitled to a compensation for the loss of that right, he having generally reserved all the mill-sites by the deed of concession, it would be very desirable that the rate of commutation of Seigniorial rights should be fixed by law in proportion of the value of property by the award of arbitrators (*à dire d'experts*.)

Remarks upon the rate of concession in the *Fiefs* and Seigniories of the Island of Montreal, St. Sulpice and Lake of Two Mountains.

The Island of Montreal, was conceded by the Company of New France, to the Company of the Associates for the conversion of Indians, otherwise called Company of Montreal. The first part of the Island of Montreal, with the *Fief* St. Sulpice included, was conceded on the 17th December, 1640, upon condition of making fealty and homage (*foi et hommage*) land-*roll*, (*aveu et dénombrement*) and other Seigniorial rights, according to the custom of Paris, and also upon condition of settling the said Seigniories, and importing Emigrants, &c. &c. The second part was conceded on the 21st of April, 1659, subject to the same charges and conditions, without any mention of the rate of *cens et ventes*, to be imposed on the lands to be granted.

The Company of Montreal made several concessions in the neighbourhood of the City of Montreal, at the rate of three *deniers* of *cens* for every superficial arpent. The most ancient concession I could find among our papers, is the 4th of Januray, 1648, made to one Pierre Gadoise. (The original or *brevet* may probably be found in the Prothonotary's Office in Montreal.) All the concessions were made at the above rate, till the year 1665, inclusively.

The said company assigned over the said island, together with the *Fief* of St. Sulpice, to the Seminary of St. Sulpice on the 9th of March, 1663. *Vide Edits et Ordonnances*, vol. 1, p. 83.

In the year 1666, the Seminary of St. Sulpice increased the rate, and conceded at the rate of six *deniers* of *cens* for every superficial arpent, and one capon for every arpent in front by fifteen or twenty in depth. Finally, on the 25th of September, 1671, the Seminary conceded to one Joseph Denis, a land of two arpents by twenty at the rate of six *deniers* for every superficial acre, and one bushel of wheat for every forty superficial acres, viz.: at one half *sol* and one quart of wheat for every arpent, the original of that concession *en brevet* ought to be found in the *Greffe* at Montreal. From that period all the concessions of the Island of Montreal, with the exception of a very small number, and all those made in the Seigniories of St. Sulpice and Lake of Two Mountains were made at the same rate.

The lots (*emplacemens*) which were conceded in lots in the towns and villages are generally charged with six *deniers tournois* for every *toise* *quarrée*, thirty-six feet square in superficies.

The lots (*emplacemens*) as dismembered from the conceded lands pay the same *cens* as the land from which they have been taken. It seems to me that the rate of one half *sol*, and one quart of wheat for every superficial acre, was the rate generally followed in the old Seigniories of the District of Montreal.

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Observations on the titles of the Lake of Two Mountains.

The first part of the Seigniorship of the Lake of Two Mountains was granted to the Seminary of St. Sulpice by the King of France, by *brevet* of the 27th April, 1718, enrolled in the office (*greffe*) of the Council of Quebec, on the 2nd October, 1719.

The deed of concession contains the following terms, "upon condition of conceding the wild lands at the simple *reditus*, à *simple titres de redevance* of ten pence (20 *sols*) one *caupon*, for every arpent in front by forty in depth, and six *deniers* of *cens*, with permission nevertheless to sell or grant at a higher rate, the lands which would have one-fourth part cleared.

The second part of the said Seigniorship was granted to the Seminary by *brevet* of the 1st March, 1735, registered in the *greffe*, at Quebec, on the 12th December, 1735.

The grant contains the following conditions: that "they, the Ecclesiastics of the Seminary of St. Sulpice, shall concede lands to their tenants, at the usual *cens et rentes* and accustomed dues (*cens et rentes et redevances accoutumées*) imposed on every acre of land in the adjoining Seigniorships, regard being had to the quality and situation of lots, at the time of each particular concession (*par chaque arpent de terre dans les seigneuries voisines, eu égard à la qualité et situation des héritages au temps des concessions particulières.*) It being also His Majesty's will, that the same rate be followed in the concession of lands in the Seigniorship of Lake of Two Mountains, belonging to the said Ecclesiastics, notwithstanding the limitation of the dues (*cens et redevances*) and the quantity of land of each concession, contained in the *brevet* of 1718, from which conditions His Majesty has derogated.

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1st August, 1842.

*Examination of Donald George Morrison, Esquire, of St. Hyacinthe.*

1.—Are you Agent for any Seigniorships in this Province?—I am Agent for the Seigniorship of St. Hyacinthe, in the District of Montreal, five-eighths of which Seigniorship belong to the Heirs of the late Honorable Mr. Dessaulles, and the remainder to the Honorable Mr. Debartzsch.

2.—What is the rate at which lands are conceded within that Seigniorship?—The rate of old concessions is  $2\frac{1}{4}$  bushels of Wheat and four *livres* ten *sous* of rent, and two *sous* of *cens* for every 90 arpents in superficies, with a few exceptions, in favor of the first settlers whose lands pay less. The same rate of concession was followed down to the year 1800; from which period it was raised to three bushels of Wheat and six *livres*, and three *sous* of *cens et rentes*. That Seigniorship is but recently settled and since the conquest.

3.—Are there any wild lands within the Seigniorship?—Yes, about 8000 acres, all of good soil.

4.—Have you had occasion to observe whether the farmers of that section of the country were favorable to a change of tenure or not?—They are for the most part averse to any change of tenure, or the redemption of the Seigniorial rights, because they think that the means of people at large will not admit of a purchase of those rights, either by an advance of capital or for

the increased rate of rent; if it were compulsory on both parties, they apprehend it would favor a monopoly of land, by forcing the sale of their lands. They feel also that no provision would be kept for their children, who, under the Seigniorial system, can claim lands at a moderate rent, while if the tenure were changed and the lands were monopolized, they would be reduced to the condition of farmers.

5.—What is the number of lands conceded and the annual income of the Seigniorship?—There are about 2000 concessions, varying in quantity from 60 to 90 arpents; they average about twenty shillings a lot, including the revenue of the mills, the rents and *lods et ventes*; the annual net revenue is from £2000 to £2500, the revenue of the *lods et ventes* I estimate at £500 per annum.

6.—Are the mutations more frequent in new Seigniorships than old ones?—Yes, mutations are more frequent in new concessions, the improvement of the land impoverishes the grantee, because he often gets in debt and he either sells or is forced to sell. In well settled parts mutations are not frequent; about two-thirds of St. Hyacinthe being new lands, alienations are very frequent, and I would say that, on a fair average of all the lands, the changes of lands by sales would be once in 12 years.

7.—Have you ever considered of a scheme of commutation?—I think that if it be considered expedient to grant an optional commutation to the *Censitaire*, the best and shortest way of indemnifying the Seignior would be by the payment of a certain sum per acre for the extinguishment of all Seigniorial rights whatever, leaving however to the Seignior the use of all the mill privileges occupied by him. The amount of commutation should remain on the land à *constitution de rente*, redeemable in certain sums or part payments; with regard to the Seigniorship of St. Hyacinthe, I think that ten shillings an acre would be the average rate at which those Seigniorial rights should be commuted.—The lands in the adjoining Townships of equal quality are sold from ten shillings to twenty shillings an acre. In other Seigniorships a capital might be raised on the *cens et rentes* and an allowance made for the *lods et ventes*.

8.—Have the Seigniors in some instances raised the rent originally imposed on lands?—Yes, in some cases when lands have been bought by the Seignior at Sheriff's Sale, he grants them away for the old rents to which they were subject, and takes a consideration besides as in a contract of sale.

9.—Has there been any *réunion au Domaine* of lands conceded within that Seigniorship?—In that Seigniorship there has not been since the year 1786 any instance of lands reunited to Domain.

No. 65.

1st August, 1842.

*Examination of Colonel Charles C. Johnson, Esquire, Seignior of Argenteuil.*

1.—What is the rate of rents within your Seigniorship?—As far as I can recollect without reference to books and papers, it is at  $4\frac{1}{2}$ d. in money and  $2\frac{1}{4}$  bushels of wheat, for 90 arpents. These were the rates of concession about 1782; I think Mr. Panet was then the Seignior. In 1817, Sir John Johnson became proprietor by the Sheriff's sale, and since that time, the lands have been granted at the rate of 15s. and 3 minots of wheat for 90 arpents. In old and

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new concessions, there is also added one *corvée*. I became proprietor of the Seignior, in the year 1821, and I subsequently obtained letters patent for the making of a land-roll or *terrier*. The *terrier* is nearly completed, and all the titles old and new are renewed without any difficulty as to the terms. There was however an extent of ten thousand acres called Lewis and Buell's purchase, the tenants of which raised a question as to their right of exemption from all feudal burdens under titles from Major Patrick Murray, relinquishing all Seigniorial rights, in consideration of a quitrent. Legal proceedings were adopted against one Hutchins who represented the others claiming the same exemptions, and the ultimate decision declared them liable to all the Seigniorial rights in addition to the stipulated quitrent. All the lands of the Seignior are granted with the exception of three or four thousand acres of barren soil.

2.—Are you in favor of a commutation of Seigniorial rights?—I would be averse to any commutation of a partial nature, dependent on the will of each *Censitaire*, but would have no objection to a general commutation of the whole at once. I consider that, if it be thought advisable to disturb the vested interests of the Seigniors for the relief of the *Censitaires*, the redemption should be made by the public, as has been done in some cases by the British Government.

3.—Are all the water mill-sites reserved by the deeds of concession?—They are, and for every description of mill or manufactory, and all that are valuable of the mill-sites have been purchased by me from the *Censitaires* by voluntary agreement. I am now in possession of them.

4.—What scheme of commutation would you propose, if it were deemed necessary to allow the *Censitaires* optionally to commute?—I am not prepared to give any opinion on that point.

5.—Are *lods et ventes* and *banalité* very productive in your Seignior?—They were a great source of revenue before the crops became bad, but have not been so for the last three years, the crops having generally failed. My mills are kept in good order and are frequented by people from Vaudreuil and the adjoining Seigniories, and the parts immediately about Argenteuil.

6.—What was the earliest concession *à titre de cens* in Argenteuil, and had any land been conceded there, in the year 1735?—The earliest concessions *à titres de cens* in that Seignior, was made in the year 1781, by Mr. Panet, the then proprietor, at the rate of four shillings and four pence, and two and a half bushels of wheat, for every 90 arpents in superficies.

7.—Can you favor the Board with any information regarding the revenue of your Seignior for five years past or more, distinguishing the respective amounts of *cens et rentes*, *lods et ventes* and *banalité*?—To begin with the year ending on the 24th July, 1839, I produce a statement of the account of gross revenue transmitted to me in England by my agent here.

In the year 1835, the gross return of the St. Andrew's grist mill was £1765 10s.; of the Chute grist mill £632; of the Chute oat-meal mill £400, and of the barley mill £300 17 2, making together £3,098 7 4.

From 24th May 1840, to 24th May 1841, the total receipts for *cens et rentes* and *lods et ventes* were £2,402 7 2; and between 24th May 1841, and 10th June 1842, the amount paid in on the like account was £2,274 14 8.

I conceive that in general the *lods et ventes* yield double the amount of the *cens et rentes*.

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Examination of Louis Antoine Dessales, Esquire, of St. Hyacinthe.

1.—Do you own any and what Seignior?—I own a part of the Seignior of St. Hyacinthe, in the District of Montreal.

2.—What is the rate of concession within your Seignior?—The old lands are conceded at  $2\frac{1}{4}$  minots of wheat and four *livres* old currency. The new lands (chiefly conceded since 1827) pay three bushels (minots) of wheat, and six *livres* and one penny for ninety superficial acres. The old deeds of concession stipulated payment to be made in capons only, but the *Censitaires* were subsequently allowed at their own request to substitute money in the place of capons from the difficulty they experienced to pay in kind. At that time the concessions were very few.

3. How many conceded lands are contained in your share of the Seignior?—There are about 2000 lands yielding on an average twenty shillings per land, of *cens et rentes* (annual Seigniorial rent), but there are bad debts in the collection of the rents. I estimate the amount of *lods et ventes* at one quarter of that of *cens et rentes* (annual rents), so that out of ten years the *lods et ventes* form between £400 and £500 per annum.

4.—Have you any banal mills in your Seignior, and if so, what is their annual revenue?—There are three banal mills in the Seignior, which give about £1650 yearly. There are besides seven saw mills belonging to the Seignior who has reserved to himself all mill-sites within his Seignior, as well by the old as by the new concessions.

5.—Have you ever had occasion to ascertain the opinion of *Censitaires* upon a principle of commutation?—Yes, and from what I can learn, they are not in favour of a change of tenure, and I do believe that they will not avail themselves of a voluntary commutation; as regards myself, I beg to state that I am in favor of a commutation of tenure founded on equal rights.

6.—What in your estimation is the best scheme of commutation?—I do think that the best scheme would be to estimate the value of the soil in its natural state and give the same value as lands of the same description would bring in the Townships. I beg also to mention that, if the principle of voluntary commutation were adopted, justice would require the consent of both Seignior and *Censitaire*.

7.—Has the right of pre-emption or *retrait* been frequently exercised in your Seignior?—Only once, in a case of fraud on the part of the *Censitaire*.

8.—Has the right of *banalité* ever given rise to litigation in your Seignior?—Never.

9.—What do you consider the average mutations of lands in a Seignior to be?—I think that on an average a property may be said to change hands once in twenty years.

No. 67.

4TH AUGUST, 1844.

Examination of Archibald McDonald, Captain of Militia, William Turnbull, Yeoman, and Neil

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*Gillis, Yeoman, all of the Seigniorship of Terrebonne, New Glasgow, constituting a deputation from the inhabitants of New Glasgow.*

1.—Of what origin is the population of New Glasgow, by whom you have been deputed?—They are British or of British descent with but a few exceptions. In June last, that population was ascertained to be 940 souls. The settlement has been formed since 1820.

2.—Are the people whose views you are instructed to represent before this Board, favourable to a change of tenure?—Yes, they wish the tenure to be converted into that of free and common soccage. They find the Seigniorial tenure burdensome in an extreme degree, and a great bar to the improvement and prosperity of the Country. The impediments arise out of the exorbitant nature of the conditions, in the deeds of concessions by the Seigniors as exemplified by the deeds produced. The inhabitants feel oppressed by the heavy rates of Seigniorial rent which have been introduced and the manner in which they are exacted. We consider the right of *retrait* as dangerous and liable to be abused by the Seignior. The settlement of this question would tend in our opinion to allay animosities between the people, the Seigniorial system having been the cause of outcries and discontent against the Government.

3.—Have you given any attention to a scheme of commutation?—The people of that section of the Country are all willing to commute the tenure of their lands and pay a proper and just consideration for the extinguishment of those burdensome and ruinous rights, but as yet they have not come to any conclusion as to the rate of indemnity to be given to the Seigniors, and for what portion of their rights they should be indemnified, nor as to the mode or principle of commutation, but they intend meeting for that object and sending a statement of their views.

4.—Are there any *banal* mills in New Glasgow, and what is the state of those mills?—The *banal* mills in New Glasgow have been allowed to go out of repair, and from this circumstance, farmers have been obliged to go to Ste. Thérèse for the grinding of their grain.

5.—Will you say in what manner the stipulations of rent in wheat affect the *Censitaires*?—With regard to wheat rents, the inhabitants of that part not raising much wheat on their lands have bought good wheat and tendered it to the Seignior where it was refused, and the *Censitaires* have been obliged to pay in money from one to three shillings over the market price, and in some instances have been obliged to pay ten shillings *per minot*, when it was worth only seven shillings.

6.—What is the effect of reservations by Seigniors of water privileges in the deeds of Concession?—Such reservations are very ruinous to the *Censitaires*, and as an instance of it, we would mention the case of John Watson, who in the year 1840, had agreed to buy a place in New Glasgow for the purpose of erecting a Tannery, but was prevented from doing so by the Seignior, the Honorable M. Masson, who would not allow him to put up a Mill on the river for the purpose of grinding bark, unless on certain conditions, that is, that he would pay him ten pounds per annum for twenty years, and at the expiration of the time, he the Seignior was to have the privilege of making other terms as to the rent.

In the year 1840, I had agreed to buy a place in New Glasgow for the purpose of erecting a Tannery, but was prevented from doing so by the Seignior Mr.

Masson, who would not allow me to put up a Mill on the river for the purpose of grinding bark unless on certain conditions, viz: that I would pay him ten pounds per annum for twenty years, and at the expiration of that time he was to have the privilege of making other terms as to the rent.

(Signed) JOHN WATSON.

No. 68.

6TH AUGUST, 1842.

*Examination of James Reid, of Ste. Marie de Monnoir.*

1.—Do you own any lots of land within Seigniorships in this Province?—I own two lots of land in the Seigniorship of Ste. Marie de Monnoir, and I have been settled on the Seigniorship for the last fifteen years; one of these lots I bought from Mr. Justice Rolland, present Seignior, the other from James Rily; when I bought the land from the Judge, there were five or six acres cleared. The price was £95 for seventy-four acres, and the rent payable on the lot was three bushels of wheat, but no *corvée*. The other lot contains ninety superficial acres, and pays three bushels of wheat and a *corvée*, or five shillings in money.

2.—Do the inhabitants wish for a change of tenure, and if so, upon what principle?—There was a meeting of the inhabitants of the Parish of St. Bridget, within the Seigniorship, held at my house about ten days ago. The inhabitants of that Parish are about two-thirds French, the rest of British descent; they are desirous that if the tenure be not commuted, the rent should be reduced to its old standard, as paid by lands held by their neighbours whose titles are old, that is to say, one half-penny and a pint of wheat per arpent. There are concessions at that rate about Ste. Marie and in other parts. I produce a deed of concession of the 11th October, 1820, from Sir John Johnson to Mr. Francis Commons, shewing the rate of concession at that period, which has been continued by Judge Rolland, to be three bushels of wheat and fifteen shillings, besides a *corvée* or five shillings for every ninety superficial acres. The tenants would, however, prefer a change of tenure, which would rid them of the *lods et ventes* and other oppressive rights, as that of the reservation of the exclusive right of erecting mills. They would be willing to give, for the extinguishment of those rights, an equivalent as regards such as are just and legal. They have not decided on what compensation should be given to the Seignior, but they conceive that the *quantum* of indemnity should be fixed as to each land by Arbitrators or Commissioners, who should take into consideration the circumstances attending each case, for in some cases of land nearly all uncultivated, the Seignior has often received large prices, independent of the usual *cens et rentes*, exceeding in some cases the arrears and costs of prosecution which have been due on such lands. It is conceived that a capital being estimated as an indemnity, it should be charged on the land *à constitut* redeemable in small instalments. It is considered a great grievance that the Seignior should, by means of mutation fines, profit by the labour of the *Censitaire*; and it seems just that the law should not allow more than a percentage on the value of the soil, as in a wild state at the time of alienation. The people are also much oppressed by the Seignior requiring, in payment of wheat rent, better wheat than can be raised on the lands, thereby compelling them to pay cash at the highest rate of sale of wheat, and the mills kept in good state of repair. The mill in St. Bridget is altogether out of repair, and the other at St. Jean Baptiste is at an inconvenient

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distance, that is about nineteen miles. I am deputed by the meeting of the whole inhabitants to make this representation.

No. 69.

*Views of Edward Gibbon Wakefield, Esquire, Agent of the Seignior of Beauharnois, submitted to the Commission on the Seigniorial Tenure Inquiry.*

I am the representative of the proprietors of the Seignior of Beauharnois and invested with all authority touching the conduct of the Seignior, and would refer to a letter written to the former Commission on the Feudal Tenure Inquiry, which letter points out the peculiar situation of the Seignior, it being one of the Seigniories now commuted under the 3 & 4 of Geo. 4, commonly called the Canada Tenures Act.

I am advised that the Seignior of Beauharnois is exempt from Provincial Legislation as respects commutation of Tenure, and therefore exempt from the inquiries of this Commission, whose functions relate solely to the commutation of the Seigniorial Tenure.

I have not here a copy of the re-grant of the Seignior in 1836.

The highest rate of *cens et rentes* in the Seignior is six pence per acre for all *cens et rentes*. The lowest rate I cannot now recollect, but the greater proportion of the concessions are at six pence.

Rather more than one-half of the Seignior is conceded, the whole of the unconceded part is in wild lands.

The extent of the Seignior is six leagues square, equal to about \_\_\_\_\_ acres. I cannot speak as to the dates of the concessions throughout the Seignior. Some portion of the land have been sold, but not much since the regrant under the Letters Patent; the rate is, I believe, about twenty shillings per acre. The sale rests in the purchase of the freehold estate, but reserves for the use of the seller the mill sites, and so much of the land as may be necessary for the erection and use of the mill, upon giving compensation for the land whenever it may be used.

There are some complete milling establishments in use in the Seignior belonging to the proprietors, the saw mills being, however, separate, the erection of which has cost £24,000, not reckoning interest on which they have incurred a considerable loss, as between interest and revenue. There is one saw mill of value to the holder, who is a squatter, inasmuch as it affords a receptacle for all stolen timber.

The mills on the Seignior are now let out at a rate something below the interest of the £24,000; and allowing for expenses a good deal below.

I cannot distinguish in the amount of the revenue of the mills what portion is exclusively derived from the *droit de banalité*. I am desirous of laying before the Commissioners a statement which I believe to be accurate, shewing the whole expenditure of the Seignior for 20 years, including the expenditure for mills, together with another statement shewing the annual nett revenue after deducting the expenses of management for the same time of the Seignior. From this statement, which I now produce, it appears that the whole expenditure for public objects during those twenty years, since January, 1822, amounts in round numbers to £43,000 without interest, and that the nett revenue,

after deducting the management of the whole Seignior, amount to £40,000, so that the loss upon the possession of the property during the 20 years is £3,000 and much more if interest be added. This statement is taken from the books by the agent of the late proprietor, and I have no doubt of its accuracy. I refer to some of the items in the statement as remarkable, such as bridges £1206, roads £2048, surveys of lands £2,246, Church establishments £2,783, School establishments £1,072, gratuitous distribution of yearly stock £700 in all, expense of model farm beyond returns £2,800. The expense of management during the twenty years amounted to £18,967, a sum far exceeding what could have been the gross revenue of the Seignior if the concessions had been made at the lowest rate in the Seignior, including the *lods et ventes*. I cannot distinguish or separate the revenue derived from the *cens et rentes* from that derived from the *lods et ventes*. It will be seen from the statement produced, that in the earliest years the total cost of management nearly approached the gross revenue of the Seignior, and progressively exceeded it as the higher *cens et rentes* of six pence per acre came into operation. I believe, it will appear from this statement, that if the lowest *cens et rentes* has obtained for the whole of the concessions, the cost of management and the expenditure for public purposes together would have immensely exceeded the gross revenue of the Seignior. It is to be observed, however, that the great outlay of money in the Seignior would improve the value of the whole Seignior; the outlays for surveys was made in the wild lands, but the lowest *cens et rentes* upon some Seigniories would not have paid interest on the actual costs for surveys; these surveys were all for the purposes of concession. In giving a general description of the Seignior of Beauharnois, together with the working of both systems in a mixed population, I say that this Seignior presents peculiar opportunities of comparing the operation of the Seigniorial and free and common socage tenure into a mixed population, inasmuch as about one half of the Seignior is unconceded, and the other half held in free and common socage, which, of the *Censitaires* in the conceded portion, about one-half are Canadians of French origin, and the other half old country people.

It further affords illustrations on the subject of commutation, since under the Canada Tenures Act, the *Censitaires* of Beauharnois have a right to compel the Seignior to commute; not a single commutation has taken place under the Canada Tenures Act. Since I have had control over the Seignior, only one application to commute has been made to the Seignior. In that case I expressed to the *Censitaire* (a Scotchman) a perfect readiness to agree upon some terms of commutation. As the Canada Tenures Act directs that the commutation shall be founded upon actual value, and further, inasmuch as in order to get at the value of *lods et ventes*, which is a per centage, it is requisite to put some value upon the property, I proposed to this *Censitaire*, that one or more arbitrators should be appointed for the purpose of valuation, this he declined; upon which I proposed, that the *lods et ventes* should be calculated upon a value estimated by himself alone, but on the condition, that if I thought his valuation dishonestly or unjustly low, that I should be at liberty to purchase the property from him at his own price. This proposal seemed most unpalatable to him; for he instantly quitted the Seignior office, and I have heard nothing of him since.

In fact there exists among neither population any wish to take advantage of the right to commute which they enjoy under the Canada Tenures Act. Great numbers among both populations, and especially the Scotch settlers, talk loudly of their desire to commute; but I have not met with a single instance on which

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after having explained that the word "commutation" means change of tenure for some equivalent value, in which the complainant did not say in substance, "Oh that is not what I mean,"—The greater part of them have no present intention to sell, and they will not voluntarily consent to the concession of the contingent *lods et ventes* into a present charge. I found in conversing with many, that as soon as the hope of some confiscation was removed, as soon as the *Censitaire's* mind was got to examine the subject fairly, and calmly, there existed a disposition to think that the best time for being subjected to some change in respect of *lods et ventes* was the time of sale when the *Censitaire* would have money in his pocket. Indeed there are facts exhibited at Beauharnois which shew that the Seigniorial Tenure is very much liked by those who have not yet obtained any land.

The greater part of concessions of late years have been made to old country people who were wholly without the means of purchasing, and who eagerly availed themselves of the opportunity of obtaining good land at Beauharnois subject to no higher payment than an annual rent of six pence per acre. I attribute the extensive and successful settlement of the banks of the Chateaugay River by Scotchmen, whose well cultivated farms it is a pleasure to behold, entirely to the facilities of obtaining land presented to them by the Seigniorial Tenure, though they are now among the most determined in hostility to the tenure, and loud in demanding not merely a change, but as appeared by resolutions passed at a meeting held by them recently at North George Town, a confiscation to the extent of giving them a freehold right in their lands upon payment by them of the amount of the present rent for one year, that is six pence an acre, and to use their own words "no more."

In the next place having over 100,000 acres of good land now to dispose of under the free and common socage tenure, I feel perfectly satisfied, and I am borne out in this opinion by trustworthy observers residing on the spot, while many years, perhaps ten or twelve, will probably be required for disposing of these lands and bringing them into cultivation under the free and common socage tenure, the whole of them might be conceded under the Seigniorial Tenure within one year, and to persons possessing sufficient property that they would speedily bring the lands into cultivation; these lands have been as it were out of the market in consequence of the property being under contract for sale, but not actually sold to its present proprietors. Applications however from persons desirous of obtaining lands have been received at the Seigniorial office. The number of them which are of applications for purchases under the free and common tenure is very small. The number of applications for concessions under the Seigniorial Tenure is very great, although the whole of the latter are founded upon an erroneous notion that it is lawfully competent to the proprietors to concede their lands under the Seigniorial Tenure.

I have observed a remarkable difference of opinion of feelings in the two populations, with respect to the subject of commutation; at the recent meeting at George Town, before alluded to, not a single Canadian attended, though many were invited by the old country people, by whom the meeting had been got up.

In conversing with Canadians on the subject, I have observed that they in some measure connect the idea of commutation with that of confiscation, as set forth in Dr. Nelson's rebellious proclamations, in 1837 or 1838, and seem therefore to imagine, that there is something wrong, something which they ought not to do, something of a like character to acts performed in 1838, of which they now see some of them the wickedness, and all of them the folly. In

calling for a commutation of tenure, their minds admit more readily than those of the old-country people, that it would be unjust to change the tenure, without giving the Seignior an equivalent value. The old-country people on the other hand have been led to imagine, that there can be nothing wrong in demanding a confiscation under the name of a commutation, for this was a loyal cry during the last parliamentary election for the county of Beauharnois, and was encouraged by the Government Candidate, and in every way by persons acting as agents in the elections. Although changes in tenures have taken place in various countries by Act of the State, and although where objections to a tenure not being removed are apt to raise a cry of confiscation, this was the first time, as far as I know, in which a Government fostered the cry, and gave to it the dignity of approval, by the highest authority. Be this as it may, however, my observations convince me, that the old-country people in the Seignior of Beauharnois, though utterly opposed to a commutation, which would leave the charge on the lands equal to what it is at present, are very desirous that some law should be passed of which the effect will be, to take the property away from the owners, and to make them a present of it.

I have more than once acquainted the late proprietor, that it is not the honest and moderate minded *habitant*, but his own countrymen, to whose settlement in Beauharnois he afforded every encouragement, who want to take away the property from its present owners, who paid Mr. Ellice, £180,000 for it.

2ND SEPTEMBER, 1842.

My attention has been drawn for many years back to the subject of tenure of land, in relation to advantageous settlement of the country, and mode of disposing of waste lands, and have had occasion to change my mind to a considerable extent, upon the subject of the Seigniorial tenure.

Some years ago, when I was not better acquainted with the nature of the tenure than the great bulk of my countrymen, I had formed a general and extremely vague notion that this tenure was something barbarous, and calculated to prevent the rapid colonization of the country. Subsequent experience has satisfied me how much I was mistaken in this respect. The progress of settlement or colonization under this tenure in Lower Canada since the independence of the United States, is supposed to have exceeded that of the old colonies during the same period, although their numbers have been greatly augmented by emigration, while the amount of emigration into Lower Canada has been very small. It may be reckoned among vulgar errors to suppose that Lower Canada is not well settled in the available portion of its territory. Perhaps the United States scarcely exhibits any where so dense an agricultural population, and so complete a subjugation of the forest as may be witnessed in looking from the mountains of Belœil around the surrounding plain. The good quality of the tenure appears to be, the great facility which it affords to the appropriation of land together with, what is equally important, the check which it imposes on the appropriation of too much land by individuals.

That appears to me to be the true merit of the Seigniorial Tenure, having reference to the object of settlement, and this view is strongly supported by facts which I before stated with respect to Beauharnois.

I have latterly reflected a great deal on the subject of commutation, but without success in the endeavour to discover a plan of commutation that would be objectionable.

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13TH AUGUST, 1842.

*Examination of Paul Charlebois, of the place called Côteau du Lac.*

1.—Do you own lands *en rôtûre* within Seignories?—I own lands in the parish of Soulanges, in the District of Montreal.

2.—Do the inhabitants of that parish complain of the high rate of rents?—They complain very much of the high rate of rents imposed on their lands, which ruins them, and is eventually the cause of the sale of their farms to pay the dues of the Seigneur.

3.—Do the inhabitants experience any difficulty in obtaining new grants from the Seigneur?—The Seigneur, Mr. DeBeaujeu, has refused and still refuses to concede lands to those who ask for them, alleging that he keeps them for himself. I personally applied to Mr. DeBeaujeu to obtain a new grant, he refused me. I have also a knowledge that similar requests were made to him by many other individuals, and they were refused on the same ground. They wanted small tracts of land, lying in the rear of their farms, in order to extend their depth.

No. 71.

16TH AUGUST, 1842.

*Examination of John McDonald, Esquire, of Chateauguay, Robert Brodie, Esquire, and Donald Finlayson, Esquire, of Beauharnois.*

They state that at a meeting of the Inhabitants of the Seignory of Beauharnois held at St. Martin on the 30th of June last, numerously attended by the principal landholders of British extraction, it was determined that a committee should be appointed to draft answers to the several questions submitted by the Board of Commissioners to the *Censitaires* of the Seignory of Beauharnois, of which committee the three gentlemen above named, are a part; that the Committee framed answers to the several interrogatories which were approved of at a meeting of the *Censitaires* held at North George Town on the 11th of July last, a copy of which answers is herewith produced, and to which they refer for general information.

1.—What is the opinion of the *Censitaires* of Beauharnois in regard to a change of Tenure?—It is the general opinion among them that a change of Tenure should take place either into free and common soccage or *franc-aleu roturier*, but they do expressly object to any commutation of the rights of the Seigneur, except on the condition of commuting for the *cens et rentes* upon the *ancien taux* (old standard) established in the Seignory at one penny per arpent including a quart of wheat at the average of 5s. a bushel; upon that condition they are willing to commute for the other rights of the Seigneur, and would agree to pay one *lods et ventes* over and above the *ancien taux*, of *cens et rentes*, either in rent or in capital, if in rent payable in ten years and constituted in a *rente constituée* with a prescription of five years for all arrears of the rent; they think that the principle of arbitration ought to be adopted to establish the value of the land with a view to the commutation of the rights, but they object to the manner of naming the arbitrators established by the Canada Tenures Act, that is leaving the nomination of the third arbitrator or umpire to the Court of King's Bench, or to a judge in vaca-

tion. The reason is, that they are of opinion that a Seigniorial influence is felt in that quarter. It is matter of notoriety that in all disputes between Seigniors and *Censitaires* before Courts of Justice, the *Censitaires* have been cast. It is now nine years since the Seignory of Beauharnois has been commuted by the Crown, and not one commutation between the Seigneur and *Censitaire* has taken place, and they ascribe it to that reason.

2.—Are the other Seigniorial rights considered burdensome to the *Censitaires*?—Yes, and they are of opinion to abolish all the other rights of the Seigneur, he deriving more than sufficient profit from his mills to compensate him for the relinquishment of the *droit de banalité*. They consider the reservation of the timber unjust, and in fact, the best of the timber was disposed of by the Seigneur before the deeds of concessions were granted and while the lands were occupied under a location ticket. It is the opinion of the *Censitaires* that the present working of the Seigniorial system is ruinous by the exactions of higher rates of *cens et rentes* than the *ancien taux*, the reservation of timber of all description, and the exaction of sums of money upon concession and the refusal to concede lands on the request of *Censitaires* in favourable situations—in fact the reservations by the Seigniors of timber have been carried to such an extent as to have no timber whatever on the lots adequate to the purpose of building. This right has been greatly abused. The timber was taken and sold by the Seigneur for two years after location tickets had been granted.

3.—What is the rate at which lands are conceded in the Seignory of Beauharnois?—One part of the Seignory of Beauharnois, namely, the parish of St. Clément, the oldest establishment in the Seignory, only pay one penny half penny per acre, but the new lands conceded in that same parish are conceded at the rate of five dollars and five bushels of wheat for one hundred arpents. The Seigneur refused before the commutation of the Seignory to concede at a lower rate.

4.—What scheme would you propose for valuing property with a view to commutation?—We would recommend the nomination of an arbitrator on the part of the Seigneur, one on behalf of the *Censitaire*, and in case of difference of opinion a third to be named by Government in the nature of a Board of Commissioners. In reference to the ruinous effects of the present system, we refer to the enormous costs to which the *Censitaire* is subject, arising from the variety of the rights and charges claimed by the Seigniors which in almost all instances leads to the ruin of the *Censitaire* by the sale of his lands; for each of these rights, there is an action at law, and as an instance we refer to the fact of nearly two hundred actions having been brought in the Seignory of Beauharnois for the passing of a *titre-nouvel* to form a new *terrier* (Land Roll), wherein £5 damages have been awarded against the *Censitaire*, and where the costs in the Superior Term of King's Bench amounted in the average to nearly double the amount of the damage awarded. The costs and damages lead generally to the sale of the *Censitaire's* land. This is a great grievance, for it compels the *Censitaire* to take a new title at a higher rate.

No. 72.

STE. MARIE DE MONNOIR, 17TH AUGUST, 1842.

*Examination of François Vigneau, Jacques Lanier, Louis Austigny, Joseph Harbeck, Etienne Poulin, Joseph Rainville, George Ashly, all of the*

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parish of St. Marie de Monnoir, in the District of Montreal, forming a deputation duly named at a public meeting of the Inhabitants of the said parish, held on the 7th instant, with a view of being examined before this Board.

1.—Are you proprietor of lands within the parish of Ste. Marie de Monnoir?—We are.

2.—What is the rate of rents exacted by your Seigneur?—The present rate exacted by Mr. Justice Rolland, our Seigneur, is one minot (bushel) of wheat and 5s. by every 30 superficial acres, and one day's work or 5s. at the option of the Seigneur. When we have no wheat to give, the highest price is charged for it. The *Censitaires* complain very much of those high rents, and also of *lods et ventes* on improvements.

3.—Are all the lands granted in that Seignior?—All, with the exception of half a league in front by 30 acres in depth, which the Seigneur refuses to grant, on the ground that he reserves them for sale. We may add, that the Seigniors of that Seignior have granted lands subject to an annual rent, and have moreover exacted sums of money in the shape of a *bonus* for the same lands. In support of this fact, we produce a deed of concession by Mr. Justice Rolland to one Astigny, of the 3rd November, 1827, before Lemay, Notary.

4.—Are the *Censitaires* of Ste. Marie de Monnoir favorable to a change of tenure?—No; they wish to preserve the actual tenure, with such modifications in the standard of rents and right of *lods et ventes* which ought to be taken on land in its natural state.

## No. 73.

Examination of Jean Baptiste Saurette dit Larose, Manuel Vien and Joseph Fortier, all of the Parish of St. Jean Baptiste, in the Seignior of Rouville, and *Censitaires* in that Seignior, taken before the Commissioners on the 20th of August, 1842, and deputed by the *Censitaires* of the Seignior of Rouville at a large meeting held at St. Jean Baptiste, on the 17th of August, 1842.

1.—Are you *Censitaires* in the said Seignior of Rouville, and do you hold land in the said Seignior?—We are *Censitaires*, and do now hold land in that Seignior à titre de cens et rentes.

2.—Do the inhabitants of that Seignior complain of the Seigniorial tenure; and in what respect do they complain of it?—The inhabitants generally complain of the operation of that tenure, as respects the rate of *cens et rentes* now demanded by the Seigneur and of the *lods et ventes*. They complain of the present rate of *cens et rentes* as being exorbitant, and much beyond the old rate, *ancien taux*, and in that particular are anxious to have it reduced. The ancient rate we believe to be one *sol*, and a quart of wheat for every superficial arpent.

3.—What is your opinion respecting the right of *lods et ventes*?—We consider the exaction of *lods et ventes* on all amelioration as ruinous and unjust, and the right ought to be restricted in its application to the value of the soil alone. This right is considered as particularly ruinous, and unjust in cases of donations where the donee may die soon after the donation. The system of exacting *lods et ventes* in such cases upon an estimation of the donation on a ten years' purchase, is altogether ruinous. We also complain of the difference of the rates of concessions in the old and new con-

cessions, and in that respect refer to the titles produced herewith. It will be then seen that the rents are nearly doubled. We complain also of the reservations in titles of all wood, as well as that necessary for building purposes, as for consumption as fuel. All these reservations specified in the *titres* of concession are altogether injurious and in their results oppressive.

4.—Is it within your knowledge that the Seigneur has refused to concede lands in his Seignior?—The Seigneur last winter expressed his readiness to concede new lands, but upon the several conditions contained in the concession deeds produced, and for the security of these rents he stipulates a right of mortgage on other lands held by the *Censitaires*. The lands he offered to concede are situated on the mountain of Rouville, which is nearly barren, and a part from the rents and reservations he stipulated the payment of a sum of money, for the security of which a mortgage was taken on all other property, which sum of money was declared in the deed to be for *arrears of rent*, although the lands had never been before conceded, the whole with a special mortgage on other lands.

5.—Are the inhabitants of Rouville desirous of commuting the tenure?—If it becomes necessary to change the tenure, the inhabitants of that Seignior would be willing to pay one mutation fine, that is one twelfth of the value of their lands for the total enfranchisement from all the rights of the Seigneur. This sum to be converted into a *rente constituée*, redeemable at the will of the *Censitaire*. This sum should be paid by each *Censitaire* upon a valuation of his land by *experts*, and not by a general *repartition* of the whole indemnity upon all the lands in proportion, without distinction of their value, as that would lead to great injustice.

6.—What is your opinion of the actual working of the Seigniorial system?—We really think that as the tenure now exists and is acted on with all conditions and reservations so productive of law suits, that in ten years the *Censitaires* would be entirely ruined. A great many instances of hardships might be adduced shewing the bad working of the system, but these evils it is impossible to obviate, as the Courts of Justice have sanctioned them, and costs of contestation are enormous.

## No. 74.

24TH AUGUST, 1842.

Examination of the Honorable F. P. Bruneau.

1.—Are you owner of any Seignior in the Province?—I am proprietor of Montarville, in the District of Montreal.

2.—What are the nature and conditions of the Royal Grant of that Seignior?—That Seignior was granted by the *Marquis de Vaudreuil* to the Sieur Boucher de Boucherville, 17th October, 1710, on condition of fealty and homage, at the Castle of St. Louis, *aux droits et redevances accoutumés suivant la coutume de Paris suivie en ce pays*, and the Grant was, with some others, confirmed by the King of France by Letters Patent, dated at Marly, 6th July, 1711, and the property was assured to the Grantee, "*Voulant que le dit Sieur Boucher, ses héritiers, ou ayant cause en jouissent à perpétuité, comme de leur propre, sans que pour raison de ce ils soient tenus de payer à Sa Majesté, ni à ses successeurs Rois aucune finance ni indemnité, de laquelle, à quelque somme qu'icelles puissent monter Sa Majesté leur*

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*fait don et remise à la charge à porter foi et hommage au Château St. Louis de Québec, duquel ils relèvent, et autres redevances ordinaires.*” I conceive that by these terms an absolute estate was conferred. By the said instrument of ratification eleven concessions of Seigniories in all were confirmed, and some conditions were added which were not contained in the concessions of the Governor and Intendant.

In other instances of ratification (*Edits et Ordonnances I, p. 261,*) the confirmations were *pures et as* to the condition of settlement. I have to state that in my Seigniorly all the lands, susceptible of culture, have been conceded.

It would appear that when Grants were made to the Crown to Military and Naval Officers, and others who had served the public, (such as the *Sieur Boucher*) the conditions were made less burdensome than in other cases.

I conceive that in grants of this description where the land was given to be enjoyed by the Grantee *comme de leur propre*, he was at liberty to cultivate the soil by farmers, and was under no obligation to concede.

My original title does not specify any rate or *taux* of *cens et rente* for concessions; and I am of opinion that Seigniors are not restricted to any rate of concession unless the *taux* be made as especial condition. By the custom of Paris the Seignior cannot dismember his *Fief (jouir de son fief)* to any greater extent than two-third parts. How is that to be reconciled with any judgment or *arrêt* directing the concession of the whole of his *Fief*?

Up to the *arrêt* of 6th July, 1711, there was no legislation or *règlement* on this subject, and *Fiefs* previously granted were held under the rules of the Custom of Paris only. It seems to me questionable whether vested rights in these *Fiefs* could be altered or affected by such legislation or *règlement* passed subsequent to the Grants by the Crown.

3.—What are your sentiments respecting a conversion of the tenure into one of a free nature, and as to the manner in which the change should be affected? I think that no more should be done than to enable the Seignior and *Censitaire* to agree for the extinguishment of all or any of the Seigniorial rights.

## No. 75.

On the 24th day of August, 1842, appeared *Victor Chénier, Joseph Vincent, Alexis Marcil, Toussaint Fournier, François Adam, Toussaint Préfontaine, all of the Parish of Longueuil, named at a general meeting, held on the 21st instant, to represent the views of the Inhabitants of that Parish before this Board, in consequence of a circular addressed to certain Inhabitants of Longueuil, and were examined as follows:—*

1.—Can you furnish the Board with information respecting the rate of concession of lands, within the parish of Longueuil?—The greatest part of the Seigniorly of Longueuil was conceded long since. The rate was a quart of wheat and one *sou tournois*. But there are some lands granted at an earlier date, at the rate of one *sou* per arpent, and one capon for the whole concession of ninety arpents. In the village of Longueuil, the Seignior has conceded lots of 60 feet in front by 120 feet in depth, for the price of £25 cash, and 20s. annual rent; and that since the year 1811. In the old settled part of the village, *emplace-*

*ments*, (lots) of great extent were conceded at the rate of 2s. 6d. yearly, without any capital.

2.—Do the Inhabitants complain of Seigniorial burdens?—As the *cens et rentes* on lands are moderate in the parish of Longueuil, the inhabitants do not complain, but they are of opinion that the *lods et ventes* are disadvantageous and burdensome to the country. They wish very much for their extinguishment, but they feel that the commutation should be voluntary, without any sacrifice of their rights, or those of the Seigniors, by means of a redeeming rent, (*rente constituée*) paying interest until the capital is paid.

3.—What mode of commutation would you propose?—We think that the mean amount of *lods et ventes* ought to be calculated on returns of Seigniories for the last ten years, and the average annual value of those rights to the Seigniors ascertained from such returns, which value would be apportioned on the lands of the Seigniorly according to their respective value.

4.—What do you consider a fair compensation to the Seignior for the surrender of that right of *lods et ventes*?—We think that one *lods et ventes* raised on the value of each land, would be a sufficient indemnity to the Seignior for the extinguishment of that right, the value to be ascertained by arbitrators, each party having the right to name one: it would be proper that one Commissioner (*Commissaire expert*) should be named by Government, whose decision would be followed in case of a difference of opinion.

5.—Are the inhabitants favorable to a change of tenure?—No; they wish to keep the present tenure, with its abuses remove.

## No. 76.

*Answers of Censitaires of Terrebonne.*

At a large Public Meeting of the Inhabitants of New Glasgow, and New Paisley, held in the Tannery School House, New Glasgow, on Friday, the 26th of August, 1842, Captain A. McDonald was unanimously called to the Chair, and Mr. Hughes McAdam, requested to act as Secretary. Captain McDonald briefly stated, in the most appropriate and energetic language, the object of the meeting, when the following Resolutions were proposed and enthusiastically carried.

Resolved, First.—That, any tenure of real property incumbered with onerous and degrading conditions, must be injurious to the prosperity of the country in which it obtains, and is repugnant to the feelings of freemen, and at variance with the spirit of the present age.

Second.—That the Seigniorial Tenure which the absolute laws of a semi-barbarous age and country have imposed upon the people of Eastern Canada, possesses elements of national injury, and is almost unanimously detested by those on whom its paralyzing influence has fallen.

Third.—That *lods et ventes*, a fine originally laid upon the slave (the serf) by the master (the Baron,) for permission to alienate the lands which he occupied, is an oppressive imposition, and insulting to British freemen; and on this continent where all lands are held by a tenure in accordance with the spirit of liberty, it must ever be a source of complaint, irritation and disgust.

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Fourth.—That the right of *banalité* by which the farmer is compelled to grind his grain at the Seigneur's mill, and which secures to the Seigneur the exclusive right of using or permitting the use of water power, is a great public detriment, inasmuch as it shuts out the spirit of improvement and enterprize, which competition, invariably induces, and is one of the main springs of national improvements. The baneful effects of *banalité* may be instanced by the fact that, but very few, if any, of the Seigniorial mills of Eastern Canada, are capable of manufacturing flour fit for exportation.

Fifth.—That, while large quantities of wheat are annually imported into Canada, is nearly, if not altogether deprived of sharing in the profits of manufacturing this wheat into flour, owing to the inferior condition of the *banal* mills.

Sixth.—That the exclusive right of property in water power, held by the Seigneur, retards, and in some instances prevents the introduction of manufactures requiring the aid of machinery, and in this Seigniority it has deprived us of the advantages that would have been derived from the establishment of an extensive manufactory of leather, the capitalist intending to establish the tannery, being compelled to abandon the project owing to the exorbitant demands of the Seigneur.

Seventh.—That *corvée* labor for the Seigneur on his own domain, or on his road or mills, being a vestige of feudal slavery, by which the serf was compelled, as a bondman, to work for the baron, a certain portion of his time, is repugnant to the feelings of men who know how to appreciate liberty.

Eighth.—That the article of the Custom of Paris, the code of laws that govern property in Eastern Canada, which requires the vassal to appear before the Seigneur at stated times to perform fealty and homage, by kneeling on the ground with uncovered head, without sword and without spurs, and then and there to pronounce a humiliating form of words, is in this respect utterly abhorrent to our feelings, and it is probable that we owe our exemption from this act of vassalage to the conviction on the part of the Seigneur that British subjects would shed their blood sooner than submit to such an insult.

Ninth.—That we earnestly hope that the Commission appointed by the Governor General, to inquire into the Seigniorial Tenure of Eastern Canada, will represent the evils of this tenure to the Executive, and recommend the immediate extinction of the last vestige of feudal bondage.

Tenth.—That the increase in Seigniorial rents within the last twenty years is alarming, and in the opinion of some eminent lawyers, illegal.

Eleventh.—That we consider many of the clauses, stipulations and reservations introduced into deeds of concession of late dates, in many instances, vexatious and oppressive and burdensome on the *Censitaires*, by laying on the poor cultivator, duties, which by law are required of the Seigneur.

Twelfth.—That, in the opinion of this meeting, the most equitable plan of extinguishing the feudal tenure, would be by a commutation in which justice and equity would be dealt out impartially to both Seigneur and *Censitaire*.

Thirteenth.—That the commutation fine should be fixed by law, at a rate not exceeding two shillings and sixpence per arpent, as a full compensation to the Seigneur for all his claims, of whatever kind they may be, and that the *Censitaire* obtain a tenure of free and

common soccage in every way, similar to the tenure by which land is held by our brother subjects in Canada West, and that the said sum of two shillings and six pence be paid by instalments at the convenience of the *Censitaire*, in sums not less than five pounds' currency at a time, bearing interest yearly, from the time this agreement shall have passed into a law.

Fourteenth.—That in computing the amount of compensation to be paid to the Seigniors for the extinction of their rights, it should be borne in mind, that the value of the lands has been improved to them, not by the Seigniors, but by the sweat and toil of the *Censitaires*; that it is questioned by good authority, whether rents, higher than those imposed before the year 1711, be legal, and hence arises a question, how far such rents are entitled to.

Fifteenth.—That in as far as the Seigniors have retarded the development of the resources of the country, by the monopoly and mismanagement or neglect of water-power, or have prevented the improvement of mines, mills or manufactories, they are public defaulters, and ought to be responsible to the public for damages in the form of actual penalty, or of deduction from their commutation fees.

Sixteenth.—That among the oppressive exactions under which the people of this Seigniority labour, (and we have reason to believe many other Seigniorities in the country suffer from the same extortion) we cannot pass over, unnoticed, the fact that the portion of our rents payable in wheat, (a grain which we cannot raise,) is commuted for by the Seigneur at a cash price, from twenty to thirty per cent higher than the actual price of the grain in the Montreal market.

Seventeenth.—That if it be made legal for the Seigniors to commute their unconceded lands, large tracts of which may be found in almost every Seigniority, and to hold the same in free and common soccage, such an act of commutation will amount to a donation to this privileged class of lands, at present not their property, but held under certain provisions in trust: and this meeting would express a hope, that in any legislation on this subject, if such a valuable boon be granted to the Seigniors, some equivalent will be provided for the benefit of the *Censitaires*.

Eighteenth.—That we appeal to the *Censitaires* throughout Eastern Canada, to take prompt measures for exposing their views of the Seigniorial tenure. The Seigniors have banded themselves together to watch the present movement, and secure the advantages of the wealthy landholders, to the disadvantage of the *Censitaires*. They have established an office in Montreal, and retained the services of a legal gentleman as Secretary, and under those circumstances, it is the duty and the interest of the *Censitaires* to act as one body, with promptitude and unanimity.

Nineteenth.—That the Member for the county (Dr. McCulloch,) be respectfully requested to lay the foregoing resolutions, with an appropriate address, before the House of Assembly, at the approaching Session of Parliament, in order that our Provincial Legislators may be fully aware of the many and heavy burdens of which we have to complain.

Twentieth.—That the thanks of this meeting are respectfully tendered to J. W. Dunscombe, and Benjamin Holmes, Esquires, for their able and patriotic exertions in the House to alleviate the burdens of the *Censitaires* in Canada East.

Twenty-first.—That, with a view to carry out the spirit of the above resolutions, the following gentlemen

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be nominated as a standing committee, viz: Messrs. Neil Gillis, John Bayne, John Morrison, and Captain A. McDonald, and Mr. Hugh McAdam, corresponding Secretary; and that we earnestly solicitate the correspondence and co-operation of our fellow *Censitaires* in the different Seigniories throughout the Province, with a view to our mutually assisting each other in this all important question.

Twenty-second.—That the proceedings of this meeting be published in the Montreal Journals, or in as many of them as will stand friendly to the cause of an industrious but oppressed class of Her Majesty's loyal subjects in this colony.

## No. 77.

26TH AUGUST, 1842.

*Examination of Charles F. Greece, Esquire, of Ste. Thérèse de Blainville.*

1.—Do you own any property *en roture* within any and what Seigniories of this Province?—I hold property situate in the Seignior of Ste. Thérèse de Blainville, belonging to the representatives of the late Col. Claus. I acquired my property at Sheriff's sale.

2.—What is the rate of rents within that Seignior?—The rent for 200 arpents is 13 *livres* 18 *sous* for the whole 200 arpents. The greater part of the front concession range is on the same principle. About thirty-eight years ago, Mr. Hertel, the then proprietor, conceded a large tract of country in the rear of the front concession at a rent of half a bushel of wheat per acre in front by 30 in depth, and one shilling currency, in money, for the whole; but the lots are of an unequal front; upon these lots, the inhabitants have not settled, and they are of the greatest injury, in consequence of the wild land thus conceded, but not settled, harbouring wolves, which do great injury to the sheep.

3.—Are there any *banal* mills in that part of the Seignior?—There has existed no *banal* mills in that part of the Seignior during the last thirty or forty years, although there is a good mill-site. The inhabitants are obliged to go ten and fifteen miles to grind their corn, thus obliging them to go to Terrebonne or La Rivière Duchêne.

4.—Is the rate of concession alike in that Seignior?—Yes; with the exception of the grant above spoken of.

5.—Are the mutations of property frequent in that Seignior, and what do you consider their average rate to be?—I think that farms in the Seignior may all change once in twenty-five or thirty years, but at the most frequent average they are once in twenty years. I have been in the Seignior sixteen years, and I think that not more than fifteen or twenty farms have changed hands during that period.

6.—What indemnity do you consider the Seigniors entitled to for the surrender of the right of *lods et ventes*?—I think that the English settlers in the Seignior would give one *lods et ventes* for the surrender of all the rights of the Seignior; but I think that the French settlers would have great difficulty in paying one *lods et ventes*. I think that twenty years ought to be given for the payment of the commutation without interest, else it would not do, as the farms scarcely produce enough for the support of the inhabitants; in wheat nothing is produced.

7.—What is your opinion concerning a change of tenure?—I think that a free and common soccage tenure

is preferable, and would be beneficial to the country, as I consider the principle of paying *lods et ventes* on the ameliorations an intolerable grievance, which ought to be removed.

8.—Are the rents at the same rate in the neighbouring Seigniories?—In the neighbouring Seignior of Mr. Lacroix, which originally formed one Seignior with that of the heirs Claus, the original grants are low and on the same principle as on the latter, but in the Côte Ste. Marie-Anne, in the rear of the Seignior of Blainville, the rents are high and charged with five dollars in money and two bushels of wheat for every hundred acres: he has a mill which goes part of the year, about six months, and does not go except in wet seasons. The inhabitants are sometimes obliged to wait fourteen days for the grinding of the wheat; and notwithstanding the insufficiency of the mill, they are compelled to go to it, or to pay the fine for not going to a mill which does not grind the whole year. It also happens that in some cases Seigniors compel their *Censitaires* to pay higher rates, the latter being threatened with the exercise of the *droit de retrait*, as happened in the case of Philibert Matte, Blacksmith, and Mr. Lacroix. In Terrebonne the old concessions made in 1723, are at a moderate rate of 5 *livres* 5 *sous* for 60 arpents, but in 1834, the Seigniors charged for grants in the rear of the first concessions at the rate of one bushel of wheat for each acre in front and 7 *coppres*. The Seignior of that Seignior refuses to make new grants at a lower rate. In New Glasgow, the rates are as high as five dollars for 90 arpents, as also at New Paisley.

## No. 78.

27TH AUGUST, 1842.

*Examination of Lawrence George Brown, Esquire, of Beauharnois.*

1.—Have you at any time been Agent for the Seignior of Beauharnois?—I was Agent for the Seignior of Beauharnois from the year 1822 to the year 1842.

2.—Is that Seignior still under the Feudal Tenure as respects the Crown and the Seigniors, or has it been commuted?—The Seignior has been commuted between the Crown and the Seigniors.

3.—What is the quantity of land conceded *en censive*?—142,000 arpents; the remainder, consisting of 110,000, acres are wild lands.

4.—What are the highest and lowest rents imposed on lands held *en censive* within the Seignior?—The highest rents are 6d. per superficial arpent, the lowest are 1½d. and there are lands granted at an intermediate rate at 3d. and 4d. per arpent.

5.—Have the tenants or *Censitaires* of the Seignior ever complained of the high rates imposed on their lands?—They have for the last ten years, and there has been an organized system of opposition to the payment of the modern rate of rents. They wish to reduce them to what is denominated the old rate or *ancien taux*. This spirit of opposition is rather on the side of the British than the French population.

6.—How many *banal* or other mills are within the Seignior, and what is the amount of revenue derived from them?—There are six *banal* mills in the Seignior, besides a fulling and carding mill, and two saw mills; the average annual revenue from the *banal* mills is between £1,000 and £1,100.

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7.—Has any commutation taken place between the Seigneur and *Censitaire*?—No commutation has taken place between the Seigneur and any one of his *Censitaires* in Beauharnois, although, according to the provisions of the Imperial Act relating to tenures, it is in the power of the *Censitaires* of Beauharnois to compel their Seigniors to commute. I would beg leave to add that I have had occasion to observe, that the poorest and worst cultivated part of the Seigneurie is where the rent is the lowest; the reason I assign for this difference in the state of the farms is, that the lowness of the rent does not afford the farmer a sufficient stimulus for the improvement of his farm, but where the rent is high he uses more exertion to enable him to pay it, and thereby betters his condition. I do think that, for the attainment of such an object, the principle of rent in a new Seigneurie ought to be on a sliding scale from 1d. to 1½d. per superficial arpent.

8.—Can you lay before the Commission any scheme of commutation by which the just rights of all parties could be preserved?—I approve of the mode prescribed by the Tenure Act, with the exception of the *droit de quint*, which ought to be given up by the Crown, as many Seigniors have not the means of redeeming it. I would form a capital of the rent at 20 years purchase at 5 per cent., that is, a land which pays £2. 10s. of rent should be considered as worth £50; as to the *lods et ventes*, I really think that one-twelfth of the value of every property would indemnify the Seigneur, for the commutation of that right, to be settled by arbitration in the manner prescribed by the Tenures Act.

9.—What consideration would you be disposed to allow the Seigniors in lieu of all his other rights?—I consider that the *droit de banalité, de retrait, de chasse*, and all other reservations worth half of one *lods et ventes*; my opinion is that in all cases of commutation the Seigniorial rights ought to be converted into a rent charge, redeemable at the will of the *Censitaire* or at any period of time, by instalments of not less than £10 each.

10.—Are there any unusual reservations contained in the concession deeds to the *Censitaires* of Beauharnois?—The concession deeds reserve for the Seigneur an exclusive privilege of erecting every kind of machinery, and is exempted from the performance of every description of work in common with his *Censitaires*, such as making fences or ditches in common with a *Censitaire* who may be his neighbour.

The Seigniors of Beauharnois have shewn great indulgence to their *Censitaires* who are allowed two years' enjoyment of their farms free of rent, and which rent in after years has not been rigorously exacted. They have also expended large sums of money in improving the Seigneurie from the year 1822; the amount of rent collected has not exceeded £40,000, and the outlay of every description of improvement including a model farm entirely for the use of the *Censitaires* has exceeded £50,000; these statements can be verified by reference to the books.

11.—What is the average price of wild lands in that Seigneurie?—Twenty shillings per arpent; about ten thousand acres have been sold at that rate, payable by instalments with interest. They were purchased in equal proportion by men of British and French origin, and I may add that such French Canadians as hold lands in free and common socage in the Seigneurie prefer that tenure to the Seigniorial.

12.—Can you state the proportion which the revenue arising from *lods et ventes* bears to the revenue arising from *cens et rentes* in the Seigneurie of Beauharnois?—As near as can be the revenue is about one quarter of that arising from *cens et rentes*.

The total amount of the revenue as secured by the deeds is about £3,400, and when the wheat is over five shillings, at which price it is calculated in the deeds, the revenue increases in proportion. For the last ten years on a strict examination, the total amount of mutations throughout the property amount in round numbers to £98,000, which sum gives £9,800 per annum, and a twelfth of the above last mentioned amount, making the average revenue of *lods et ventes* about £800, of which sum not more than £750 was ever collected in one year.

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30TH AUGUST, 1842.

*Examination of Pierre de Boucherville, Esquire.*

1.—Do you own any and what Seigneuries in this Province?—Yes, I own the Seigneurie of Boucherville, in the Parish of Boucherville, District of Montreal.

2.—Are there any water privileges in the Parish of Boucherville?—There is one on which a mill was formerly erected, but it is now demolished; there are several wind mills belonging to *Censitaires*, for the privilege of erecting which they pay the Seigneur an annual rent of 12 and 15 bushels of wheat for each mill.

3.—What is the rate of concession in that Seigneurie?—The whole *Seigneurie* of Boucherville is conceded at a very low rate, viz: one *sol* and ten *deniers* or thereabout for every superficial arpent, and one *sol* of *cens* for the whole concession; there were lands granted at a higher rate after the cession of this Province. There is a village in the Seigneurie the lots (emplacements) of which only pay six pence and seven pence half penny of rent, whereas the modern grants are subject to the payment of a french crown.

4. Can you furnish the Board with the average annual value of *lods et ventes* in your Seigneurie of Boucherville for the last 20 years?—I cannot, my books not being well kept, but the value of property in Boucherville may be said to be from ten to eleven pounds an acre.

5.—Are mutations of property frequent in old settled Seigneuries?—No, on an average about once in thirty years.

6. Have you any further information to give the Board respecting a scheme of commutation, and the mode of valuing property?—No, and I refer the Board to my letter of the 20th June last on the subject.

7.—Are there any *arrière-fiefs* in the Seigneurie of Boucherville?—Yes, about 20, all held according to the Custom of *Vexin le François* with the exception of five or six which are governed by the Custom of Paris.

No. 80.

*Letter from J. W. Dunscombe, Esquire, M.P.P., Montreal.*

4, NOTRE DAME STREET, 22D JULY, 1842.

Gentlemen,—In compliance with the request contained in your letter of the 16th instant, it is necessary for me in reply to mention the conditions upon which

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the Seigniorial Rights in this Province were made. It is probable that from the want of a professional familiarity with the subject, I may commit some errors, but I hope that they will not be of material importance.

In referring to the published copies of certain grants of Seigniories made by the King of France, and also by the Company of New France, the following appear to be the principal terms which they contain:—

1.—To the Seignior was granted a certain and specified tract of land, distinctly limited in extent, and frequently by known boundaries, which he was to hold to him and his heirs, “upon the accustomed dues, and renders, according to the Custom of Paris, followed in this country.” These words within inverted commas, though on grants made by the Crown, are not in the grants made by the Company, but in law were probably held to be inferred.

2.—A local legal jurisdiction was connected with the *Fief*, which has however universally ceased to exist since the conquest.

3.—The grantee was to perform homage and fealty, and also homage was to be done upon a mutation of possession.

4.—In the case of grants made by the Company of New France, there was to be paid to the Company, on the mutation of possession, a bullion of gold, weighing half an ounce, and one year's produce of the reservations made by the new Seignior, after having granted in *Fief* or *cens et rentes* the whole or part of the land granted to him.

5.—The Seignior, as well as the Tenants or *Censitaires*, were to reside, *tenir feu et lieu*, by the express condition of some grants.

6.—The Seignior was to grant lands upon the like conditions to those imposed on him.

7.—The lands granted were to be cleared, and roads made.

8.—There were reserved for the Crown, oak for the King's ships, wood for garrisons, and land necessary for forts, public buildings, &c., which were to be taken without compensation. And information was to be given to the Crown of the discovery of mines and minerals.

9.—The Seignior had the privilege of trading with the Indians, and of hunting and fishing throughout the seignioriy.

To the Crown was payable an alienation fine on the mutation of the possession of the Seignioriy by its grantee, or the Seignior, his successors, called a *quint* or fifth part of the purchase money.

To the grantee of the Seignior, or Tenant called the *Censitaire*, a certain fixed quantity of land was granted to him and his heirs, paying a certain rent or *cens*, very moderate in its amount, and usually two *sols tournois* per superficial acre, or one *sol* per acre, and one bushel of wheat for every forty acres, and sometimes a certain number of capons were reserved, valued at a fixed price.

The grantee was personally to occupy his lands, under the penalty of a re-union to the domain; he was to clear his lands, make and repair his roads, preserve oak trees fit for the King's ships, and to give notice of minerals, &c.

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On the succession of collateral, a relief on one year's revenue was payable; and an alienation, one twelfth part of the purchase money (*lods et ventes*) was to be paid to the Seignior. When the succession is direct, no payment is made to the Seignior. The expence of these grants are said not to have exceeded \$5 or \$6 each, payable to the Surveyor or Notary for deeds of survey and concession.

The enforcement of the conditions of these grants was the subject of several *arrêts*, and the conditions chiefly neglected were, the concession by the Seignior of lands, residence, and the clearing of lands. One of these *arrêts* or Ordinances of France, made in 1711, requires Seigniors to concede lands to such inhabitants as shall demand the same for rent, and without exacting any sum of money, or that otherwise in case of a refusal, after one application, they might apply to the Governor, Lieutenant-General, and Intendant, for grants, paying the same dues as were imposed on other conceded lands, which dues should be paid to the receiver of the King's Domain, without power in the Seignior to claim any thing upon the lands so granted. And another *arrêt* of March 15th, 1732, prohibited the Seignior to make a sale of uncleared lands on pain of nullity of the deeds of sale, restitution of the purchase money, and the re-union of the lands sold to the King's domain.

The outline then of the French system of colonization was this:—

A considerable tract of land was granted to the Seignior to re-grant to others, by an absolute grant to them and their Heirs, at a certain fixed rent, (*cens*); he could not sell the lands, he could not reject a demand for a grant or concession, and he could not compel a party to take a lease for years. The object of these regulations was to encourage emigration on the easiest terms. If the Seignior had possessed the power of sale, he would have become a mere land speculator, willing to keep his lands waste until his terms were complied with. Nor does he appear to have had the power to raise the *cens* on his grants, for, such a power would have been equivalent to that of a sale, and would have produced similar evils. By the exaction of high rents, the land might have been kept waste, and tenants admitted or rejected at his caprice; the claimant, therefore, did not come in at the will of the Seignior, but was entitled to the land in opposition to him, and might even obtain a grant after the Seignior had distinctly refused it.

To the tenant or *Censitaire*, the system offered many advantages. The amount of land granted him was not excessive; he was not able to obtain any amount he might name, or a quantity beyond his means to cultivate. What he received he was to bring into cultivation. He was not compelled to pay for his lands by any part of his previously accumulated gains, but was enabled to apply the whole of his capital to the cultivation of the soil, and the grant being made to “him and his heirs,” he was not liable to any increase of rent, as the value of the land increased by the labour he bestowed upon it; as his family increased, his children were enabled to obtain new grants of land, and extend the settlement of the country.

From the time of the conquest to the present period, no attempt appears to have been made by the Crown to enforce on the Seigniors the obligation of making concessions. Several bills for the purpose were passed by the House of Assembly of Lower Canada, but they were always rejected by the Legislative Council, without an effort on the part of the Government to secure their success; or to use the words of the late Attorney-General, Mr. Andrew Stuart, in a report

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on this subject, signed by him, in 1821: "The Colonial Administration allowed the law to be as a dead letter, and in the opinion of Your Committee, the principal obstacle to the settling of the unconceded Seigniorial Lands in this Province, has been the neglect of the Colonial Administration to enforce the laws of the land relating to grants *en censive* of the different Seigniories of this Province."

No such negligence as this appears to have existed previous to the conquest. On the contrary, the various Ordinances enforcing upon Seigniors the performance of obligations which they were anxious to evade, exhibit the greatest desire on the part of the French Crown to check the very abuses which we have now to deal with, in forms which have almost received a legal sanction.

Among the efforts of the French Crown are certain local visitations, nominations and reports of *Experts*, and inquests referred to in a declaration, dated 17th July, 1843, which it may be advisable for the Board to refer to if any of them are in existence at Quebec.

The population of the Province is said to have increased from 65,000 persons in 1766 to 120,000 in 1784, and it was not until 1775, that instructions were given to General Carleton to grant lands in *Fief* or *Seigneurie* in like manner as was practised antecedent to the conquest, excepting the reservation of judicial powers; and in 1786, further instructions were issued to Lord Dorchester, to grant lands upon the same terms as lands in other Seigniories, reserving to the crown, after the expiration of ten years, a quit rent of one half-penny per acre, but no such grants appear to have been made.

In the absence of every effort to induce the earlier population of the Province, to disperse and extend their settlements, it is not remarkable that they should be found cooped up in various settlements, and frequently reduced to poverty, though it must be admitted that within the last twenty years very extensive settlements have, in some Seigniories, been made. The difficulties, however, which are known to have prevailed a few years since in obtaining patents for grants of lands in free and common soccage, by English settlers, were sufficient to drive out of the Province, many who were wealthier than the French Canadians, who might have been desirous to obtain grants from the Crown, on a tenure to which they were accustomed.

At the present time the principal burdens to which the Seignior is subject are the payment of the *quint* on alienation, appropriation of his ground for public objects, without compensation; the reservation of oak for the navy, and wood for the King's garrisons, and being subject at the same time to the duty of making grants of unclaimed lands.

All these burdens excepting the *quint* may be considered to be merely nominal, for it is well known that even in the making of roads compensation was lately granted for the land through which they were to pass.

The *quint*, however, is made the subject of specific redemption by the Imperial Act 6 George IV, chapter 59. This Act provides that a Seignior may surrender to the Crown his Seigniorial lands, and commuting the *Droit de Quint* shall have a re-grant of the whole Seigniorie including the unconceded lands, in free and common soccage; but it should be remembered that under his original grant the *quint* on unconceded lands could be of no value, for until the lands were granted they were unproductive, they were merely held by the Seignior subject to concession on the demand of any colonist.

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The law in allowing the concession of the tenure of these lands into a tenure in free and common soccage, has not made them subject to the claim of the colonists to settle on them, but has converted them into an unconditional and actual gift to the Seignior, it has made a nominal and almost valueless right of the Crown the subject of value, and commutation, and has at the same time, without any condition for their settlement, transferred to the Seignior lands to which the public were entitled, and which to the public were of great value.

The effect of this law must be to render it impossible for the crown to enforce the conditions respecting concessions against the Seigniors who have unconceded lands. The moment such a concession is required, the Seignior is empowered to commute the tenure, and become the absolute and unconditional owner of the property.

What interest does the law offer to the Seignior who has no unconceded lands, to commute the tenure of his Seigniorie.

The *quint* is only payable on alienation. Is it supposed that the owner of a Seigniorie is anxious to rid himself of his Seigniorie? That it is an useless and unfruitful hereditament, which a man would wish to part with? On the descent of the Seigniorie nothing is paid. On sale, a *quint* is due. The *quint* operates against the sale except when the necessity for it is urgent, and it has the effect of an entail by offering an advantage to the family to keep the land in their possession. On a sale, when forced, the Seigniorie will be commuted, or if not commuted, it must be when the purchaser will give more for the land under the old tenure, than the owner would obtain if he converted it. A family will not ask for a commutation of the *quint* when the necessity for a sale is not apparent, nor the vender lose it unless the purchasers gives him compensation.

But the general effect of the *quint* must be to keep Seigniories out of the market at all events; the Seignior attached to the lands, and equally attached perhaps to the tenure, will not resort to the assistance of this Act, in the belief that his Seigniorie which he prefers should descend to his children, may by possibility at a remote period be sold. This Act of the 6 Geo. IV. cap. 59, has been called into operation in several instances. In that of Beauharnois, the commutation is understood to have been made at the rate of six pence per acre, and considering the wealth of the Seignior who commuted the tenure, the part he has taken in the affairs of this country, and his influence in its Government, this sum must be presumed to have been fixed after great consideration, and with an impartial regard for the welfare of the Province. It may therefore be treated as the rate to be permanently fixed by its owner in cases of commutation of waste lands. And I think it would be very advisable to adopt this as the basis of computation if your Board would suggest some fixed scale at which the *quint* may in all cases be commuted.

At present the burdens to which the *Censitaires* are subject, are the payment of the *cens et rentes*, the fine on alienation or *lods et ventes*, the same reservations which I have mentioned as affecting the Seignior, and perhaps, in all cases, residence, an obligation by some grants, imposed also on the Seignior.

The *cens* appears to have been of the same character as the chief rent payable in England by the freeholders to the lord of a manor, held in free and common soccage. It had no characteristic of rent in the proper sense of that word, namely a payment offered to be



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made, equal to the difference in the return of the same amount of capital and labor to be expended on the land, if applied to the cultivation of lands of less degrees of productiveness. The amount of it appears to have been small, and is always spoken of as customary. In the instructions given to Lord Dorchester, it is called a *quint* rent, and the amount differs little from that mentioned in the early grants.

When it is recollected, that residence was required and the number of emigrants large, it was not unwise to make every portion of capital brought out available in clearing the land. In principal it may be defended. It may be advisable in colonies difficult to supply with labor upon account of their remoteness from the mother country, to affix a high price to lands, in order to afford a sufficient supply of labor to capitalists. But in this country no such provision was needed, laborers were numerous, and the amount of capital small, and all that was required was to concentrate the labor of the settlers. For this purpose the rent was nominal and alienation of the lands was made difficult by a fine. The forfeiture of the property followed non residence, and a small fixed tax recognized the Seigneur, who could by penalties enforce the duties undertaken to be performed by the settler.

But a question has now arisen, whether the *cens* was a customary amount, or was a rent varying with the value of the land.

As a varying rent, there appears no reason why it should have been exacted. The Seigneur went to no expense, he was merely invested (except as respected his demesne lands) with a privilege well known, where even the feudal law prevails, particularly throughout Scotland, called the superiority.

From the early grants to *Censitaires*, there would perhaps be little difficulty in tracing a fixed and unvarying amount to have been payable; but those of a later date, a variety of payments may be mentioned. This difference between them appears capable of explanation. After the conquest, the old local courts were abolished, to which the *Censitaires* were accustomed to resort. The Crown officers ceased to interfere with the Seigniors. Grants on the ancient terms could not be enforced against the Seigniors on account of the neglect of the Crown officers. No grants were made by the Crown, and the Canadians were willing to take lands upon any terms which the Seigniors might offer.

When the conditions of these new grants were brought before the Courts, and complained of as being an excess of the powers given to the Seigniors, some Judges were found on the Bench, who were owners of Seigniories, and who seeing great laxity of conduct on the part of the public officers, to whose care these matters belonged, and knowing the impossibility of their decisions, being appealed against, on account of the small value of the property in question, and the poverty of their owners, supported the conditions of these grants, and so far as the decisions of the Provincial Courts avail, established their validity.

But as the question has not been disposed of by an ultimate appeal to the Privy Council, would it not be advisable that the Government should allow a sum of money to be granted in order to enable one case on the part of the *Censitaires* to be carried by appeal to England? It is not a question affecting one person, but a very large proportion of the whole settled population of Lower Canada. By its extent it is a public matter, and I am of opinion, that it is not possible to legislate respecting it until the existing doubts are removed. Present legislation on the subject might be

a grievance, by affirming claims, which those chiefly interested will always regard as questionable, until heard and determined by a tribunal whose judgment can never afterwards be questioned, and whose justice and impartiality will command a ready acquiescence in whatever opinion it pronounces.

In England a similar course was adopted when a question of rating arose affecting the whole body of the clergy in England. The Government took up one case and paid the expenses of the appellant.

With respect to the obligation of residence, the saving of oak timber, non-compensation for land required for public purposes, and non-payment for wood, &c. I do not see any reason why the Legislature should not relieve the *Censitaires* unconditionally and without delay. After the favorable manner in which the Crown has permitted similar obligations to be avoided by the Seigniors, there can be no reasonable objection to the extinction of the same indulgence to the *Censitaires*.

There then remains to be dealt with, the burden of *lods et ventes* or the twelfth part of the purchase money, to which a Seigneur is entitled, when an alienation is made by the *Censitaire*. The similar obligation on the part of the Seigneur is the *quint* or the fifth part of the purchase money payable to the Crown on the sale of the Seignior. This, as I before stated, has been commuted by the Crown, as I am told, at 6d. per arpent, accompanied with the grant to the Seigneur of actual ownership of the unconceded lands, so that this sum of 6d. included not merely the commutation of the burden enforceable by the Crown, but the purchase of the property at a commutation of a fifth of its value.

Now it must be borne in mind, that the fine on alienation, payable to the Seigniors, is only payable when the *Censitaire* sells his land, and this he may never do. The Seigneur may not for several generations obtain this payment from the majority of his tenants; even when the *Censitaire* has an interest to sell, the fine on alienation checks the sale, and perhaps the obligation of residence may sometimes diminish the amount of the offer of a willing purchaser.

Now one of the chief objects of a commutation is to facilitate alienation by enabling advantageous sales to take place. The mode established by the 6 Geo. IV. cap. 69 to affect this object is as follows: The Seigniors must first commute the tenure of his Seignior; this, the *Censitaires* cannot compel him to do; the *Censitaire*, after the Seigneur has commuted, may then require the Seigneur to commute the burdens on his land for a reasonable price. In case of dispute respecting the price, it is to be fixed by *experts*, regard being had to the value of the land.

If the Seigneur refuses to commute or to join in the nomination of *experts* to fix the price in case of dispute, or to execute the deed of commutation, the *Censitaire* may implead the Seigneur to compel him to commute. In all cases where an application is made for commutation, notice is given for 3 calendar months in the Quebec Gazette, and two other Newspapers, and any person interested by mortgage or other title in the lands, may during the said three months, intimate their dissent to the commutation; and no commutation of Tenure or extinction of dues is valid, unless such notification has been made, and the consent of all persons interested by charges or otherwise has been given.

I have already shown how little interest the Seigneur has to commute; that in fact such interest can only exist in case of unconceded lands; yet on the

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commutation of the Seignior, the commutation of the Tenure of the lands, held by the *Censitaires* depends.

If the Seignior does commute, and refuses to allow the *Censitaire* to commute, it is evident that the *Censitaire* cannot afford the expense of the machinery which he is to put into operation. As regards the *Censitaire*, the act may be treated as utterly inoperative. There appears, however, little difficulty in extending relief to the *Censitaires*, without injustice to the Seigniors; that objection can be opposed to the *lods et ventes*, being reduced to a fixed amount as a present assumed value throughout the Country and allowing tenants to convert the interest on the value into an addition to the rent or *cens*? making it optional with the tenant to do it.

The Seignior would thus obtain a fixed and constant addition to his income in lieu of an uncertain payment, which he may never receive or be entitled to. He may obtain a 12th of the value in the course of his life, or he may not—a permanent rent calculated on the interest at a certain per centage, of one half of the 12th of value may be excessive, but my object in mentioning any rate is merely to illustrate the rule which might be adapted. It would not be unjust to the Seignior, for he would receive a certain annual amount in return for a distant and very uncertain payment.

Again I apprehend there ought to be no objection to allow the *Censitaire* to commute the *lods et ventes*, tho' the Tenure of the Seignior has not been commuted. It would enable him to alienate, and if a purchaser thought fit he might be permitted to continue the old Tenure, or by registering a declaration with his deed of purchase, declare the Tenure to be in future free and common soccage. I do not think it is advisable to attempt by any means to *force* the *Censitaire* to change the Tenure of his land.

Suppose then for instance a rule for the commutation of the *lods et ventes* was established, and there were no existing charges on certain land about to be purchased by an English settler. I can see no objection to allow him, on the registration of his purchase, to fill a deed, the form of which might be fixed by the Legislature, declaring the land to be in free and common soccage. He would pay the *cens* or rent; and the further amount of rent fixed for the commutation of the *lods et ventes*, and all charges on the land being paid off, no one would be injured by the change of tenure.

A legislative provision to effect the object I have mentioned, would facilitate sales, and when these occurred, a change of tenure in the manner I have mentioned might, and most probably would, be made. But, to most of the present holders of the property, the provisions of the tenure, as they regard dower, succession, and the modes of hypothecation and charging land, present many recommendations, and any forcible alteration of tenure imposed on them would most justly be regarded as cruel and oppressive, as it would interfere with the expectations of families, the provision for children and securities for the debt. There can be no valid reason to destroy the system, and, if it is ever altered, it ought only to be by a measure known to be assented to by the majority of the French population of Lower Canada, and sanctioned by the approval of the most eminent legal practitioners in that part of the Province.

I do not say that I think the system is not capable of improvement as an existing system, on the contrary, I believe that those most attached to it could not aid its continuance more than by pressing on the Legislature the propriety of appointing a Commission, to reduce into an authentic and modern form the French

Laws of the Province, more especially those relating to Dower, Succession and Hypothecation.

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Many parts of the Law in Lower Canada relating to hypothecation, contain provisions which even the English population of Upper Canada might not be unwilling to embody in their system. It would be a measure of great public utility to reduce the laws into a modern form, and is required by the English population of the Lower Province.

In addition to the interests which I have mentioned, as preventing Seigniors from converting the tenures of their Seigniories, and thus suspending the power of the *Censitaires* to commute, is the right of compelling suit at the will of the Seignior or the *droit de banalité*.

This is a well known privilege existing to this day in many manors in the most populous parts of England. In a new Country, it might become a most mischievous right. I am not competent to speak of the operation of the 6 Geo. IV. cap. 59, as regards this point, but I imagine that when the tenure of a Seignior is commuted, all power of compelling suit at the mill is lost, as effects existing *Censitaires*, and also tenants settling on the lands included in the commutation. If, however, there are no unconceded lands to commute, and the *droit de banalité* exists, the profits of a mill may be a sufficient inducement to prevent the commutation of a Seignior from ever taking place; it is a right confined, I conceive, to the grinding corn, either grown within the Seignior or for the use of persons living within the Seignior, I do not know which,—it may seriously injure the Province if it prevents the free application of capital to the erection of new mills, for the purpose of manufacturing wheat, to be sent in a manufactured state to foreign Countries, or to the carriage of wheat to places where it can most profitably be ground.

I am anxious in any proposal which I make respecting these tenures, to suggest only what is fair and just to parties interested, and which shall prevent any wrong or injury; and I have not at present sufficient means to judge of the fairest terms that might be offered in respect of this right.

There are some minor matters connected with this subject which it is unnecessary to dwell upon. The services of homage and fealty, *relief*, *aveu et dénombrement*, or inventory on a kind of livery of seizure, and a *jus retractum* or *droit de retrait*, &c., are matters deserving to be consigned to the same oblivion which covers similar ancient provisions of the English law, and ought at once to be abolished.

In addition however to the above matters, there are a class of cases requiring some legal regulation, which ought to be inquired into, I mean those of settlers on lands within a Seignior, who have brought their land into cultivation, and have long been in possession without receiving a formal grant. If the *cens* is a fixed and customary payment, a simple enactment directing those persons to pay it to the Seignior, and also the small extra rent I have mentioned as a commutation of the *lods et ventes*, would quiet the parties in their possession, and it might perhaps be advisable on the registration of the survey of their land to have the tenure itself, if they desired it, commuted by a deed declaring it to be held in free and common soccage. Indeed this is another class of cases in which any decision of the Privy Council on the extent of the interest of the Seignior in the lands of the Seignior would be applicable.

The prohibition of the sale of lands is one among many reasons to hold that the Seignior had only a

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power granted to him to exercise for public purposes. If this was the fact, and a decision of the Privy Council would prove beyond all controversy whether it was or not, this payment of a small fixed rent would be perfectly just. It is a sound doctrine that delegated powers must be strictly exercised, and important and valuable cases have been known to have been set aside by the Courts in England in consequence of the authority on which they were made, not having been strictly followed.

If the Seignior had been granted as private property, with an absolute right of ownership over it, almost any agreement between the Seignior and the *Censitaire* respecting the land might be supported. But if the power to grant or concede was limited, to be exercised even *in invitum*, and no absolute ownership existed, then it becomes important to ascertain in what cases in legislating on this subject we may establish new rights, or without injustice support new claims, or in other instances treat the conditions of modern concessions as invalid.

Considering the neglect of Seigniors to make concessions, the titles of those to whole settlements I have referred, ought to be quoted, as the settlements were not encroachments on private property. If the Seignior had complied with the law, he was obliged to concede the lands occupied.

Another matter which I may notice, is the practice of Seigniors to require tenants at certain periods to take out new deeds of title. If there was any valid reason for this practice, it was entirely removed by the establishment of a registration system. The practice affords such opportunities of fraud and of oppression, that it ought to be abolished without delay. An unlettered man has no security that his new deed will be a copy of his former one, or that his deeds will be returned without a suit at law, or that new conditions will not be inserted on them.

In some cases where the tenant has some difficulty to come in to take new deeds, it exposes him to a very heavy expense.

I have seen a bill of costs and damages sent to a tenant, who was sued for not having taken out new deeds, in which the damages given by the Court were set down at five pounds, and the taxed costs £8 16s. 7d. making together £13 16s. 7d.

Now the Registration system renders it perfectly easy to abolish this source of injustice, without justifying the slightest complaint against the change.

In addition to these suggestions, I would urge an application to the Government, to propose to the Imperial Parliament, a Bill, to repeal the 6th Geo. 4th c. 59, or a Bill to allow that Act to be altered by the Provincial Parliament.

The commutation of Tenures Act, does clearly not secure any of the advantages to the *Censitaires*, which its framers might have contemplated. Its only effective operation is to transfer to Seigniors, who have waste or unconceded lands, the right of ownership to the lands, which the Seigniors by the terms of their grants were bound to concede to any applicant, and this it does without any condition, beneficial to the *Censitaires* and without any condition to secure the settlement of the lands the tenure of which is commuted. It affords no facility whatever to the *Censitaires*, to relieve themselves of the burdens to which they are subject, except for the advantage of the Seigniors, it is inoperative in what would cursorily appear to be its most important and effective provisions.

I wish also to ask your attention to the fact that the Act of the 6th George IV, Chapter 59, contains no provisions to enable the *Censitaires* to commute the tenure of their property in Seigniories in which the Crown is the Seignior.

The effect of the above changes will be chiefly this, that so far as respects the English population, they will be enabled to exempt themselves from the old laws of the country affecting real property. They already have the English Commercial Law, Criminal Law, and Law of Wills; so far as respects the old settlers, their tenure will be converted, in fact, into *Franc-aleu*, it will be deprived, if they please, of the burdens connected with it, and its alienation will be facilitated. They will continue to have the present facilities of borrowing, by charging their property by simple notarial acts, which must by the late Ordinance be registered, and the property will be divisible among the children on the death of the owner, in the absence of any will directing the course of succession. English Settlers may, if they please, continue the old tenure, and it is not improbable that many will prefer it, or they may hold their lands in free and common soccage; but in the event of their adopting the English tenure, it must be remembered, that in the absence of a settlement, the right of Dower in this part of the Province, will attach to the property, and will not be disturbed by a mere sale, but will exist even after the property is transferred by purchase. It will, therefore, as a necessary step in adopting the English tenure, be proper to destroy this right, that is, to destroy one of the chief incidents of the soccage tenure, and there may be others equally objectionable, which I have not the power to point out.

I have submitted these matters to the Board as they will attract its attention to some inquiries which might otherwise appear unimportant.

It is necessary for the public interests of the Province, that every possible source of private injury which the law can reach, should be closed, and every assurance afforded to settlers, that they will not be disturbed in the occupation of their lands. And to the older settlers it will be a grateful change to find the payment of a moderate rent the only service to which they are liable.

In suggesting a rent as the commutation of the burdens, without altering the tenure except at the wish of the tenant, I have, as far as the rent is concerned, followed the suggestions of the Imperial Act of the 4th and 5th Vict. c. 35, for the commutation of the Copyhold Tenure in England, and so far as respects the tenure itself the policy of the 6th Geo. IV. cap. 59.

The fourteenth section of the former act declares, that a commutation of the rights of the lord may be made by the payment of an annual sum by way of rent, charge, and of a small fixed fine upon death or alienation, which shall in no case exceed the sum of five shillings.

We have therefore the example of the British Parliament in dealing with rights similar to our own Seigniorial rights, and so far as it is proposed to enable the tenant to force a commutation on the Seignior. I have had regard to the peculiar condition of this Province.

Although I am desirous that such alterations should be made in the law of tenure of land in Lower Canada, as may enable an English settler to possess it upon terms to which he may be accustomed, I think it is at the same time due to public faith and public honor, that no measure should be sanctioned by the Provincial Parliament changing the laws and customs guaranteed

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by the British Government to the descendants of the first European settlers against their known desires. If without interfering with the property in their possession, we can shape the tenure of land, so as to meet the wishes of English settlers, and clearly benefit the French Canadians, by measures which they may voluntarily adopt, all is done that ought to be attempted. It will be easy to ascertain what changes, in other respects in the law, the more ancient portion of our population desire, and if proper to make it. We are not precluded from changing the law, without their consent, but in proportion, as our strength may be greater than theirs, so ought we to be more gentle in disturbing their settled institutions. Every example of forbearance to force upon a population institutions, to which they are not favorable, and every act of such forbearance indicate a sense of morality and of justice, which cannot be without a beneficial influence upon the opinions and conduct of the society in which they occur. Our greater strength should only impel us to be more scrupulously just. We shall thus give confidence where there may be a doubt of our intentions, and make those who feel our protection give us their affections.

I have the honor to be, Gentlemen,  
Your faithful servant,

(Signed) J. W. DUNSCOMB.

To the Commissioners of Inquiry  
on Seigniorial Tenure, &c. &c. &c.

No. 81.

*Letter from T. Boutillier, Esquire, St. Hyacinthe.*

(Translation.)

ST. HYACINTHE, 23D JULY, 1842.

A. BUCHANAN, Esq. MONTREAL.

MY DEAR SIR,—I have been so much occupied as almost to regret having promised to answer some of the questions, which the Commissioners for inquiring into the Seigniorial Tenure did me the honor to propose to me.

I have, as you will see, touched upon only a small number of points, but they are those which I regard as most important. I have treated them briefly from an apprehension of appearing too minute; perhaps I may have been too brief to make myself well understood.

I was, besides, ignorant upon what points you, in particular, might wish to obtain information from me: if I had been aware which they were, I should have applied myself more especially to them. I am well aware that the plan of commutation which I propose may be opposed on various grounds, but I do not think it can be so with success. I should have liked much to converse with you on the subject rather than send you my remarks in writing; for to write out all the objections that may be made to my plan, with the answers to them, would require a volume, and would necessitate a much greater amount of labour than I have leisure to undertake.

Whatever plan you may deem it expedient to recommend to the Legislature for the commutation of the Seigniorial Tenure, you must expect that it will be contrary to the interests of some party or another. But there is one fact which it seems to me we ought never to lose sight of in considering the present subject, and that is, that the remains of the Feudal Sys-

tem which are found in this Country are looked upon as a vice in our political and social state, which every man who has any love of liberty and respect for his own dignity ought to wish to see removed. But if the institution or system is in itself vicious, what must we think of the abuses by which it has been made still worse?

I say nothing of the unconceded lands, because I see less difficulty with regard to them than with regard to those that have been improved. In fact, suppose them charged with the legal Seigniorial rent, and estimate what they would then sell for in the ordinary course, and the indemnity due to the Seignior may be easily calculated.

Some persons have pretended that the interest of the Seignior in the unconceded lands was the same as if he were the proprietor in free and common soccage. To me there appears to be this difference, the former cannot without violating the law refuse to concede them to the first person who may ask for them.

But the difference of opinion which may arise on this point cannot be of much importance; because, if to establish the average value of the lands in the Townships, you take those which sell with those which do not sell, on both sides of the St. Lawrence, you will obtain a rate which may probably be equitably applied.

Once more, my dear Sir, if you think I can be of service to you in your inquiry, upon any particular points, have the goodness to specify them; or if in the observations which I have the honor to submit to you and to your Colleagues, you shall find that I have not explained myself with sufficient clearness, I shall make it my duty to render my ideas more intelligible.

I must tell you frankly, that I should have wished to see joined in the Commission some person residing in the Country parts, whose situation and character would have placed him above prejudice, and who would have been able to explain clearly to you the hardships and vexations to which the *Censitaires* are exposed, and the effect of the daily practice of the Seigniorial system in those parts of the Country in which the industry of the people has been awakened. When I speak of *vexations* I do not wish you to believe that I intend to allude to the Seigniors of this county: there are few places in which cases of collision between the Seignior and the *Censitaire* are more rare than here. I speak rather of what we hear of in other parts of the Province. But with regard to the evils arising from the system itself I may say, that we feel them here more strongly than they are felt almost any where else.

I have the honor to be,  
My dear Sir, &c.

T. BOUTHILLIER.

No. 82.

*Answers of T. Boutillier, Esquire, St. Hyacinthe.*

(Translation.)

The commutation ought to be voluntary, otherwise it will have the effect of forcing the *Censitaire* to pay up a capital sum, the *rent* or interest of which he now regards as too burdensome,—and he must pay this capital at a time when it might perhaps be impossible for him to do so.

As it is not intended to indemnify the Seigniors

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for the abuses which they have created and which the lapse of time cannot have legalized, the *maximum* rent which the Seignior may lawfully impose on the *Censitaire* ought to be ascertained. As this is a question for the lawyers, I shall not attempt to answer it: I shall merely say, that this rent being once established, the *Censitaire* commuting should pay the capital which would produce the same sum yearly at interest.

The question relative to the *lods et ventes* is that which presents the greatest number of difficulties: it would have but few if there were uniformity in the terms of the deeds of concession. All clauses inconsistent with the old ordinances are impositions, to which it is clear the *Censitaire* would never have assented, except under a necessity which is easily understood; and these clauses have become so various, that a law applicable to each particular case is clearly impossible.

Prudence therefore, as well as necessity, imperatively requires that any law to be practicable should be based upon an *average*, and that while it should afford the Seignior that protection to which he is entitled in the possession of his legal and just rights, it should not compel the *Censitaire* to pay an indemnity beyond his actual means.

I regret that circumstances do not permit my examining a certain number of *terriers*, and drawing conclusions from them which I should probably have been able to support by figures; but if the foregoing remarks should appear to the Commissioners to be well founded, they will be able to procure for themselves that positive information of which I am deprived.

It is believed, that on an average, each lot of land held *en censive* is sold once in 20 years. Taking this for granted, I shall take as an example, for the sake of explaining myself more clearly, a lot valued at 12,000 *francs*. This property if sold once in 20 years, would produce to the Seignior in that space of time a profit of 1,000 *francs*, which divided by 20, gives an annual income of 50 *francs*. By paying the Seignior, then, the capital sum of 833 *livres*, 7 *sols*, (ancient currency) the *Censitaire* ought to be able to redeem the right of *lods et ventes* on his land, since the legal interest of the sum last mentioned, exactly represents the annual income derived from *lods et ventes* on property of the value of 12,000 *francs*.

I ought, however, to remark that even if it were exactly true that lands held *en censive* are on the average sold once in 20 years, it does not necessarily follow that the mode of calculating the commutation money to be paid for *lods et ventes*, ought in all cases to be that adopted in the example I have given. For tho' it is in fact probable that the lands in each Seigniorie are on the average so sold once in the said space of time, it is not equally probable that the annual income of the Seignior from *lods et ventes* agrees with the proportion I have supposed; because the lands of least value are those which are most frequently sold, and on the contrary lands of the value of 12,000 *francs* are sold but very rarely.

On examination of the *terriers* of a certain number of Seigniories in divers parts of the Province, for the purpose of ascertaining the number of lots conceded and the annual number of sales, the annual seigniorial income from *lods et ventes* might I think be easily and readily made.

The number of lands conceded and the annual

number of sales once known, the *maximum* rate of indemnity which the *Censitaire* could be made liable to pay would be known also. It would then be requisite to ascertain the diminution to be made, if, as I believe, the number of sales be found to be in the inverse ratio of the value of the property. This ought to be done by means of a valuation of all the property held *en censive* in the Seigniorie, and of an apportionment upon such property of the annual seigniorial income from *lods et ventes*.

It will doubtless seem strange to some Seigniors, that the right of *lods et ventes* on a property worth 12,000 *francs* should be redeemable for the sum of 833 *livres*, 7 *sols*, and perhaps even for less: but such is the effect of this tax that sales are rare. If instead of one twelfth, the *lods et ventes* were one sixth, sales would be still more rare. The Seignior would be no richer, although the effect of this enormous tax would have been to make the *Censitaire* much poorer.

Not having had (as I before observed) access to any *terrier*, I do not wish it to be understood that I am prepared to recommend the immediate adoption by the Legislature of the mode of commutation for *lods et ventes* to which I have alluded; but I am so convinced that an examination of a certain number of *terriers* undertaken with the view I have mentioned, would give clear results calculated to lead to the equitable solution of this important question, that I think it my duty to recommend such an examination to the Commissioners.

The right of banality was established merely for the purpose of ensuring to the Seignior employment for the mills he was bound to build for the use of his *Censitaires*. The Seigniorial mills have now as much grain to grind as they can get through. If the Seigniors keep possession of their mills and mill-sites (and it matters little to the public whether they belong to one individual or another) the monopoly granted to them by the mere fact of the possession of the mills and of the places at which mills can be constructed, is undoubtedly an advantage which is equal in value to what the banality was at the time of the first settlements.

The reservations by the Seignior of the timber on the lands of his *Censitaires* ought never to have been tolerated by any government. By a clause of this kind in the deed of concession, the *Censitaire*, having only a precarious interest in the timber, would have no interest in preserving it; on the contrary he would find a certain profit, however small, in consuming or destroying the timber, and this is what he has generally done, for fear the Seignior should carry it off before him. It is accordingly found that timber has become scarce in the Seigniories, and that in the greater portion of them the inhabitants have to bear an evil which is almost universal, and for which there is not even the excuse, that the circumstances by which it has been occasioned have produced any considerable profit either to the Seignior or the *Censitaire*.

No. 83.

Letter of Edward H. Bowen, Esquire, St. Nicholas.

ST. NICHOLAS, 25TH JULY, 1842.

To the President of the Commission of Inquiry on the Seigniorial Tenure.

SIR,—Without answering in detail, the questions which have been submitted to me, by the Commission of Inquiry on the Seigniorial Tenure, I have the honor

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in reply, to submit for the consideration of the Board of Commissioners, some suggestions, as to the mode in which a general commutation of tenure may be effected, to the mutual benefit of both Seigniors and *Censitaires*.

The idea upon which the plan about to be suggested is based, is that if the capital now due to the Seigniors by the *Censitaires* of Lower Canada, of which the *rente non rachetable* is the interest, were cancelled by the payment of the principal, within a fixed and limited period, say ten years; and that one *lods et ventes*, or eight and a quarter per cent, on the estimated value of all property now held under the Seigniorial Tenure, was to be once paid to all Seigniors within the same period, with interest from the date of such arrangement being concluded between each Seignior and his *Censitaires*, to the expiration of term of payment, the Seigniors would receive the full value of their estates, and the *Censitaires* would be discharged from a grievous tax upon their industry.

The *Censitaire's* interest in his property is at all times eight and a quarter per cent, or one-twelfth less than its real value, because he cannot dispose of it without paying a *lods et ventes*, and it will not be denied, that the certain loss of one-twelfth on all outlay, must operate as a great check to the investment of capital in the improvement of estates in the Seigniories, nor is it less certain, that it would be decidedly to the advantage of the *Censitaires* generally, to be allowed to clear their estates from debt, by the payment within a reasonable period, of the principal of which they are now bound to pay the interest.

To make the proposed plan the more intelligible, suppose for the experiment, a Seignior of two leagues in front by three leagues in depth, in the District of Quebec; the average front of the farms of such a Seignior, would be three arpents by a depth of thirty or thereabouts, and would give, say fifty-six farms to each concession.

Suppose the average value of the farms in the first and second concessions to be £300 currency each, 112 farms at £300 currency..... £33,600 0 0

In the third and fourth concessions, suppose the value of each farm £150 each, 112 farms would give..... 16,800 0 0

In the fifth, sixth and seventh concessions, suppose the value of each farm £50, 168 farms at £50.... 8,400 0 0

£58,800 0 0

Suppose the four first ranges to be old concessions at a very low *rente*, say that the *cens et rentes* average only 10s. on each farm; 224 farms at 10s. per ann. each would yield the Seignior..... £112 0 0

Suppose the fifth, sixth and seventh concessions to have been granted of late years, with a reserved *rente* of £1 10 on each farm, 168 farms at £1 10, would give annually.. 252 0 0

Making the annual rent..... £364 0 0

Suppose then the rest of the Seignior unconceded, and worth in free and

common soccage 5s. per acre, 112 lots of ninety acres each, would be worth £2,520.

Suppose the Seignior to contain one flour mill of the value of £1,500, and that the manor and domain are worth £1,000.

The Seignior then would require to commute the *rentes non rachetables* amounting to £364 currency,... £6,066 13 4 which otherwise invested at six per cent, would yield the same income.

To commute the *lods et ventes*, by one *lods et vente* once paid, the estimated value of the conceded lands being as above stated £58,800 currency, the Seignior would receive..... 4,900 0 0

£10,966 13 4

Amounting together to the sum of ten thousand nine hundred and sixty-six pounds, thirteen shillings and four pence currency.

He would retain his wild lands valued at..... £2,520 0 0

His mill valued at..... 1,500 0 0

And his domain and manor valued at 1,000 0 0

£5,020 0 0

Amounting to the further sum of five thousand and twenty pounds currency, which being added to the ten thousand nine hundred and sixty-six pounds, thirteen shillings and four pence currency..... £10,966 13 4

The sum to be received by him on commuting the *cens et rentes et lods et ventes*, would amount to the sum of fifteen thousand nine hundred and eighty-six pounds, thirteen shillings and four pence currency, a sum certainly exceeding the market value of any such Seignior.

The Seignior would then remain in possession of his domain and mills, and as he is by law the proprietor of all rivers not navigable within the Seignior, he would also continue to exercise a monopoly of the water power, and consequently of the right of grinding, although the *droit de banalité* as well as all other feudal rights and reserves ought to cease upon a change of tenure.

It is impossible to say, what sum would exactly indemnify each Seignior for the loss of *lods et ventes*, without having a return from all the Seigniors, showing the average proportion, between the sums paid them for *cens et rentes* and *lods et ventes*, for a term of years, it may be safely asserted however, that in the country parts, the *lods et ventes* do not average more than one half the sum received by the Seigniors as *cens et rentes*; in the Seignior of Lauzon, for instance, which is an old and well settled Seignior, the sum received as *lods et ventes* during the last ten years, have not averaged more than one fourth of the amount received as *cens et rentes*.

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Now in the case above stated, suppose instead of a *lods et ventes* once paid, it should be proved, that the Seignior's interest in the *lods et ventes*, would be no more than equal to one fourth the value of the *cens et rentes*, or in other words, that the income derived from *lods et ventes* should be only one fourth the amount of that derived from *cens et rentes*, it would require only £1,516 13 4 to give the Seignior a capital which otherwise invested, would give him the same income; or if the *lods et ventes* amounted to one half the sum received as *cens et rentes*, the amount required to indemnify the Seignior would be £3,033 6 8 instead of £4,900 0 0, the amount of one *lods et ventes* once paid upon the whole Seigniori.

To prevent complaints in future, and to prove that one *lods et ventes* once paid would amply indemnify the Seigniors, each Seignior might be called upon to furnish to the Board of Inquiry an attested copy of his rent roll, together with a statement under oath, by himself or his legal representative, attorney or agent, of the income derived from *cens et rentes* and *lods et ventes*, in an average taken from the last ten years, giving in detail the number of farms in each Seigniori and also of village lots or emplacements, and shewing clearly the number of mutations upon which *lods et ventes* have accrued, with their amount within the same period, distinguishing the number of mutations and the amount received as *lods et ventes* in each year.

Such a return would probably shew, that on the average there is not a general mutation upon which *lods et ventes* accrue more than once in thirty years in the towns, and very likely not more than once in forty years in the country parishes; at all events it would furnish correct data upon which to determine with perfect exactness the Seigniors' interest in the *lods et ventes*.

In order to obtain a correct estimate of the value of the lands, the tenure of which it is proposed to commute, assessors might be named for each Seigniori, say seven; one by the Crown, three by the Seignior, and three elected by the *Censitaires*, and in the event of either the Seignior or the *Censitaires* refusing to name assessors, the Crown might be authorized to name them for the party in default, and the expense of the assessment might be borne by the Province.

Entails under the Laws of Lower-Canada, being limited to one substitution on the legacy of an Estate to a grand child or children leaving the use to the father during his natural life, are very rare, it is not improbable that no Seigniori would be found so incumbered, a general provision might however be introduced in the Law regulating the commutation of Tenure, which would cover the cases of entail, usufruct and mort-main and secure the interests of minors, interdicted persons and absentees, so as to insure the reinvestment of the money obtained in virtue of the commutation of Tenure in a secure and profitable manner; for instance the money arising from the proceeds of a minor's estate might be paid into the Provincial Chest, and the interest only paid to his tutor or guardian, until the minor should attain the age of majority.

There is another class of Seigniors that have not as yet been noticed, the Seigniors *en emphytéote*, who have an interest for a term of years only, they would of course retain possession of their domains, mills and manors, and as to their interest or share in commutation money it can be easily calculated upon the common rules applicable to annuities determinable at a given period.

It would be only fair to secure to the Seigniors the

same privilege that they now possess as *bailleurs de fonds* on the property to be commuted, and it would perhaps be advisable to give them in the event of the amount assessed upon each farm together with the interest accrued thereon remaining unpaid at the expiration of the term of payment to be fixed by Law, the right to levy a distress against the goods and chattels of the persons in default and to take out execution against the real estate hypothecated in their favor for the balance due of the sum assessed, without any necessity for a suit at law.

The amount of the Seignior's claim being settled by the Assessors, a certificate to that effect describing the property and mentioning the amount, signed by the assessors and registered in the District Registry, ought to be sufficient to establish the amount due, and a deposit of the original certificate or of a certified copy thereof in the office of the Prothonotary of the Court of King's or of Queen's Bench should entitle the Seignior to his writ of execution returnable into the same Court.

As the commutation of Tenure is not demanded by the Seigniors, but is an act intended for the general benefit of the inhabitants of Lower Canada, it would be unfair to demand of them a *Quint* which would under other circumstances accrue to the Crown on a sale of each Seignior's interest in his estate, should this boon be granted to the Seigniors, it would much simplify the measure and remove a material obstacle to the general commutation of Tenure, and as the loss would be to the Province for whose benefit the commutation of Tenure is required, the profit and loss may very well be allowed to balance one another.

I have the honor to be, Sir,  
Your obedient servant.

(Signed) EDWD. H. BOWEN,

No. 84.

Letter of William McCrae, St. Johns.

ST. JOHNS, 29TH JULY, 1842.

SIR,—I have the honor to acknowledge the receipt of your letter of the 19th instant, stating that the Commissioners of Inquiry into the Seigniorial Tenure, "having reason to believe that I was for some time the Agent of the heirs of the late Honble. Thomas Dunn, and that Mr. Dunn being the Proprietor of the Seigniori called St. Armand in this District, sometime about the beginning of the present century, disposed of the lands within the limits of that Seigniori to a number of settlers, and by the titles of concession, for a pecuniary consideration relinquished, it is said, the Seigniorial rights of *lods et ventes*, *banalité*, &c.," and requesting I would, as far as lay in my power, either personally or in writing, give the dates and nature, extent and number of such concessions, &c. &c. &c.

I beg leave to acquaint you, for the information of the Commissioners, that George Okill Stewart, Esqr. of Quebec, having succeeded me in the agency of that property, all the books, deeds, papers and other documents, which it would be necessary for me to refer to, to answer the several queries put to me, are now in the possession of that gentleman, from whom the information sought for might be obtained. But from recollection of the nature of the deeds given by Mr. Dunn, the lands were sold for a consideration of a sum varying from one shilling and eight pence to five shillings per acre, payable in four or five years from the passing

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of the deed with interest, and an annual and perpetual quit rent of one shilling per one hundred acres. For this consideration Mr. Dunn relinquished all the Seigniorial rights of *lods et ventes*, *banalité*, &c.

The Notary's papers who passed the deeds for the late Honorable Thomas Dunn, the late Mr. Louis Charboilley, are now lodged in the Prothonotary's Office; copies of any of them might easily be procured there.

It would have afforded me much satisfaction, could I have given more ample information on this subject, which it is out of my power to do without reference to the Seigniorial documents.

I have the honor to be, Sir,  
Your most obedient and  
very humble Servant,

(Signed) W. MACRAE.

ALEXANDER BUCHANAN, Esq.  
&c. &c. &c. Montreal.

No. 85.

Letter of the Honorable Chief Justice Reid,  
Montreal.

MONTREAL, 2ND AUGUST, 1842.

GENTLEMEN,—Having perused your letter of the 27th July last and its inclosure, I now beg to communicate to you my present impressions on the matters in question.

I agree in thinking that it will be very difficult to establish a principle of commutation of our Feudal Tenure so as to do justice between the Seigneur and the *Censitaire*, more especially if it be established that one party may compel the other to such commutation. And yet I do not see how it can be otherwise effected, as any law or rule depending on the consent of the parties, would be almost nugatory.

This principle of commutation ought to be adapted to the general state and condition of the *Censitaires* in the different Seigniories, and if possible to meet their feelings as well as their interest. The *habitant*, we know, is not fond of change in any of his habits or customs, and although he would have no objection to get rid of all Seigniorial rights and claims, yet he will be little disposed to pay anything approaching to an indemnity; to compel him to do so and to change a system under which he and his fathers have lived, will appear harsh although eventually beneficial. There is also a further consideration—the *habitant* has seldom any means to spare to meet any extraordinary claim—he knows the usual and ordinary obligations he has to fulfil—to these he readily submits, and endeavours to meet them in the best way he can if by his exertions and the cultivation of his farm, he can satisfy them, and provide for his family, he considers he has done his duty—should any little surplus remain, he would rather expend it in supplying any present want or comfort of his family than reserve it for the acquisition of a future, and to him an uncertain advantage. There are however men of means and of intelligence among the Canadians, who can appreciate the benefits to result from a change of Tenure, and who will be ready to accede to any reasonable proposal for effecting it. The opinions of such men would be valuable in this matter—they are acquainted with the state of the Country, and with the means and disposition of the

people, and might suggest many things that would tend to facilitate the object of the Commission. It is therefore desirable that sufficient means and authority should be given to the Commissioners to obtain the opinions of such men in every Seignior upon the various objects submitted to their consideration.

In settling a scale for the commutation of the rights in question, every man must feel a diffidence in his own opinion, who has not acquired, or is not assisted with the requisite information. To enable him to judge of what is best suited to the means and condition of the people, as far as I am able to judge of the general situation of the *Censitaires*, I would consider that they ought to be favorably treated in this matter, and that any indemnity, to be allowed to the Seigniors, should be modified in such a way as would be most easy and convenient for the *Censitaires* to satisfy.

I have considered what has been done by the Legislature on the subject of commutation in this respect—particularly the Ordinance of 3 Victoria, c. 30, but do not think the principle there adopted suited to the general state of this country. By this Ordinance the lots of land and property of small value pay a commutation higher in proportion than those of greater value—the contrary principle I think ought to hold, because the proprietors of lots and farms of small value are generally poor and little able to cultivate or improve them—such lots and farms are consequently less productive and less beneficial in every respect than the larger possessions of more able proprietors, and it therefore appears to me that the scale of commutation ought to rise proportionably to the value of the property, so that the burden might always feel heaviest where it can be best borne.

The *cens et rentes* being a fixed *redevance*, and burden on the land, ought to be estimated as the interest of a capital, at six per cent. As to the many other reserves in the deeds of concession, such as the rights of *banalité*—of repairing the road to the mill—of cutting and taking wood for certain purposes on the land conceded—the right of pre-emption and all other rights, services and reserves, beyond the stipulated *cens et rentes*—being always of an arbitrary and uncertain nature, and the most burdensome and vexatious impositions of Feudal Tenure, they ought to be cut down to their lowest estimation.

For the commutation of the *lods et ventes*, I would adopt the following scale of estimation.

FOR EVERY LOT OF LAND OF THE VALUE OF—

£100 or under . . . . .	$\frac{1}{10}$	of its value.
£200 and under £100,	$\frac{1}{15}$	“ “
£300 “ “ £200,	$\frac{1}{17}$	“ “
£500 “ “ £300,	$\frac{1}{15}$	“ “
£750 “ “ £500,	$\frac{1}{12}$	“ “
£1000 “ “ £750,	$\frac{1}{11}$	“ “
All above . . . £1000,	$\frac{1}{10}$	“ “

On this or any other scale that can be adopted, there will always be a variety of opinion, but on estimating the probable revenue of the Seigneur for *lods et ventes* on lands, as here valued, the present scale may be considered as favorable to the *Censitaire*.

The amount of the *lods et ventes*, *cens et rentes*, and other stipulated reserves, being thus established and commuted, should remain on each lot of land as a capital, or *rente constituée*, bearing interest and redeemable at the option of the *Censitaire*. And in order to facilitate the extinguishment of this *rente constituée*, the *Censitaire* should be allowed to make

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small payments, not being less at any one time than £5, and also to pay it in grain at the current price.

In forming the above estimation, arbitrators, or experts, would no doubt become necessary, and might be appointed on the principle adopted by the above Ordinance of 3rd Vict. c. 30. It may however be a consideration for the Commissioners, whether the whole indemnity to be allowed to the Seigniors upon all his rights and reserves might not be left to be fixed and ascertained by *Experts*, according to the principle of the Canada Tenures Act of the 6th Geo. 4th, c. 59th, S. 3. This latter mode would no doubt better meet the justice of the case in particular instances, than any general rule of estimation, but would be attended with more trouble and discussion, and be productive of a greater contrariety of decision.

There is a further consideration for the Commissioners in the investigation of the matters before them. Should they discover the *Arrêt* or Ordinance of the French King, which limits the *taux* of concessions of land *en roture* in Canada to certain *redevances*, a material question will arise, as to the interpretation to be put upon this law. Was it a perpetual law, or made to remedy a temporary evil only? Was it binding in all cases, as well in Seigniories then granted, as in Seigniories to be afterwards granted? Was there any and what penalty attached to the infraction of this law, or was it expressed merely in prohibitive language without penalty? What remedy can now be applied? Or can there be any remedy unless by legislative enactment? There is much in favor of the Seigniors on this point. If the value of land and of its produce when Seigniories were granted be considered—its increasing and increased value since it was a natural, if not a necessary consequence, that Seigniors should seek to maintain their rank and condition in society, by the only means in their power—the increase of their rents, while every thing around them was increasing in value. If *Censitaires* have agreed for a century past to accept concessions of land from the Seignior at a higher rate than this law has established, who has now the right to complain. In such a case are there any judgments of the courts of law to be found, where either restitution for what had been paid beyond the legal *taux*, or for the reduction of it in future, has been awarded? I believe the more modern decisions have held that where the *Censitaire* has agreed by his deed to pay a certain rent to his Seignior, he has no right to claim any exemption from that payment. But this question may still open to discussion. If in the interpretation of this law, it should be considered to attach to the Seigniors of the present day, the responsibility of accounting for what they may have received beyond what is called the *taux ordinaire*, it would probably be found that in many cases, they would owe indemnity to the *Censitaire*, instead of receiving it from him.

These observations have been put together rather in haste—*valeant quantum valere debent*—should any thing further occur to me, I shall be most happy to communicate it.

I have the honor to be, Gentlemen,  
Your most obedient servant,

(Signed) JAS. REID.

To the Commissioners of Inquiry, respecting the Seigniorial Tenure, Montreal.

No. 86.

Letter from the Honorable F. W. Primerose.

QUEBEC, 16TH AUGUST 1842.

SIR,—In compliance with the request contained in a letter addressed to me by T. A. Tachereau, Esqr. on the 27th Instant, I have the honor to enclose to you an account of the amount of *Quints* received by the Crown from 1803 to 1841.

Commutations of wild lands in Seigniories under the Tenure Act have been made at the rate of 5 per cent on the estimated value.

Concessions by the Crown *en roture* in ancient times were made in the cities at 5 *sols*, 6 *deniers cens et rentes par emplacement*—bearing *lods et ventes* and one *denier* per superficial arpent in the Banlieue. In modern times, these have been as I am aware of only a few concessions *en roture*, and those in the cities for water lots at about one shilling per foot frontage, of annual rent.

I have the honor to be, Sir,  
Your obedient and very humble servant,

(Signed) F. W. PRIMEROSE,  
J. G. D. A.

To — TURCOTTE, Esquire,  
Secretary to the Commission for Inquiry into the Seigniorial Tenure.

No. 87.

Letter of Mr. Adams, Côteau du Lac.

(Translation)

CÔTEAU DU LAC, 23D AUGUST, 1842.

Sir,—In answer to the series of questions which you have addressed to me on the subject of the Seigniorial rights in this part of the Province, I have to inform you, that after having consulted many of the *Censitaires* in our Parish, I have found it to be the opinion of the greater number of them, that the best tenure for the inhabitants of this Province, is the Seigniorial Tenure, which they desire to see continued with the following modifications, that is to say :—The Seigniors ought to be compelled to concede at a very moderate rate ;—the *lods et ventes* should be payable only on the value of the land itself, and not on that of the improvements ;—the *retrait* should only be exercised by the Seignior in case of a sale with regard to which an attempt should be made to defraud him ;—that the *Censitaires* should, jointly with the Seignior, enjoy the right of fishing and hunting on their lands ;—that the privileged claim of the Seignior should be subject to a prescription of three years ;—that the Seigniors should be bound to keep *terriers*, which should be received in evidence on being confirmed by the oath of the Seignior, and that he should be also bound to furnish to the *Censitaire* his account in detail when thereunto required ;—that three months should be allowed between the date of a deed of sale and the time when it must be exhibited to the Seignior. You have here in a few words a statement of the means suggested by the *Censitaires* for removing the evils which press heaviest upon them, and which it is my duty to transmit to you for the information of the Commissioners. I could have wished that my knowledge of the subject and my education were such as would

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enable me to comment upon their views so as to render them more clear; but I find myself under the necessity of transmitting their statement as it stands. That it may be useful to you and to my fellow subjects, is the sincere wish of him who has the honor to be, Sir,

Your very devoted servant,

(Signed) L. ADAMS.

J. E. TURCOTTE, Esqr.  
Montreal.

No. 88.

*Circular to Seigniors.*

Office of Commission of Inquiry on the Seigniorial Tenure,

MONTREAL, AUGUST, 1842.

SIR,—As Commissioners of the Seigniorial Tenure Inquiry, we beg to refer to you as proprietor of a Seigniority, for the necessary information relative to certain portions of the Inquiry submitted to our examination.

These points are :

Firstly,—To ascertain the value of the mills situated within your Seigniority, and the returns of the mills during ten years past, distinguishing the *moutures* strictly arising from the law of *banalité*, from the whole grinding that may proceed from that and other sources.

Secondly,—The probable quantity of unconceded lands within your Seigniority, their quality and value, together with the quantity of lands conceded, but not under cultivation.

Thirdly,—The annual value of the *cens et rentes* and the *lods et ventes* during the last twenty years, together with the number of mutations during that period, and likewise the number of concessions at the end of each year during the said period.

Fourthly.—The most effectual scheme of commutation, and the most equitable means of carrying that scheme into operation.

Fifthly,—The number of *arrière-fiefs*, if any, within your Seigniority, and their extent and value.

These are the principal points upon which we are directed to obtain information, and we beg to request from you, as the most proper person to afford us that information, in respect of your own Seigniority, the favor of an answer to the several matters referred to, either personally or by letter, as may best suit your convenience.

Being directed to obtain this information with all possible diligence, we solicit your immediate attention to the request contained in this letter.

We have the honor to be, Sir,  
Your most obedient and very humble servants,

H. BUCHANAN,  
JAMES SMITH.

No. 89.

Is the above Circular to Seigniors

*In the French Language.*

No. 90.

*Answer of Messire Fortin, Three-Rivers.*

(Translation.)

THREE RIVERS, 26TH AUGUST, 1842.

To the Commissioners of Inquiry on the Seigniorial Tenure, Montreal.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 20th instant. I am not so fortunate as to be proprietor of any part of the Seigniority of River-du-Loup. It belongs to the Ursuline Nuns, at Three Rivers.

At the time of the meeting of the Seigniors at Montreal, these Ladies appointed me to attend it as their attorney. I have no other power with regard to their said Seigniority. With their consent, however, I am able, on their behalf, to give you some information, which, imperfect as it is, will, I think, afford you some satisfaction.

To your first question it is difficult for me to answer positively. I am not acquainted with the value of the mills in the said Seigniority. The right of *banalité*, with the only mill then on the Seigniority, was leased about seventy years ago for the term of ninety-nine years, at an annual rent of eighty *minots* of wheat. In consequence of this lease another Mill was erected in the Seigniority without any increase in the rent. I do not feel myself entitled to interrogate the Honorable Mr. Bell, as to the income he now derives from the Mills. Taking our eighty *minots* of wheat as the produce of the right of toll, we should, during the last ten years, have eight hundred *minots*, which reckoning it at 5s the *minot*, would give a sum of £200.

To the second question, I can answer more positively. There remain to be conceded in the said Seigniority only eighteen or twenty lots of land of little value. There are about one hundred lots conceded, but not under cultivation; these are, however, of a certain value. The *Censitaires* keep them, I think, for producing firewood. The lots conceded are about eight hundred and thirty in number.

To the third question, I have to answer as follows :—Each lot pays about 5s 6d. Nine hundred and thirty lots, at this moderate rate, would give £255 15 0 yearly, if the Nuns were regularly paid; and for twenty years, the sum of £5,175. We estimate the *lods et ventes* at one sixth of the yearly rents; at which rate they would give us in twenty years the sum of £862 10 0, which would form a total of £6,037 10 0, for the twenty years. But, Gentlemen, I have to remark, that the Nuns have not really received more than one-half of this sum, or about £3,018 15 0. I cannot state what number of mutations have taken place within the last twenty years. My occupations are such as to prevent my undertaking a labour of that extent; and the Nuns, who always act through their agent, are not prepared to give a positive answer.

The fourth question is important; but it is too new for me to pretend to answer it satisfactorily. Nevertheless, although taken unprepared, I cannot avoid

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declaring that I think the present system is that best adapted for the farmers, more especially in those Seigniories where the lands have been conceded at low rents, according to the ancient rates. I have no system of commutation to offer at present. Such a system being out of the line of my studies, has never occupied much of my attention, nor of that of the Ursuline Ladies. It would be rashness in me even to make any observations on the subject.

The fifth question I can answer easily; There is no *arrière-fief* in this Seignior.

And now, Gentlemen, I trust that you will do me the favor to excuse the deficiencies in these answers, which I have made to the best of my knowledge.

I have the honor to be, Gentlemen,  
Your very obedient humble servant,

(Signed,) B. FORTIN,  
Priest.

N. B.—There is an error in the answer to the fifth question; it ought to have been as follows:—eight hundred and thirty lots, at the low rate of 5s 6d each, would give a yearly rent of £228 15 0. If the Nuns were regularly paid, they would receive £4,480 in twenty years. We estimate the *lods et ventes* at one-sixth of the annual *cens et rentes*, at which rate they would, in twenty years, produce £746 12 0, forming, for the last twenty years, a total of £5,226 12 0. The Nuns have never received the half of this sum, but supposing them to have done so, it would follow that they had received, in the last twenty years, the sum of £2,613 6 0, which I believe to exceed the amount of their actual receipts.

(Signed,) B. F.,  
Priest.

No. 91.

Letter from Widow Paschal Taché, Kamouraska.

(Translation.)

KAMOURASKA, 27TH AUGUST, 1842.

Gentlemen,—I have the honor to acknowledge the receipt of your letter of the 22nd instant, by which, in your quality of Commissioners for Inquiry into the Seigniorial Tenure, you ask me for certain information, which the inquiry entrusted to you, renders absolutely necessary. In reply, I beg leave to inform you, that I have already furnished to the Commission, at the time Mr. Vanfelson was Chief Commissioner, all the information which it was in my power to give on the subject. My communication must be in the hands of Mr. Turcotte, your Secretary. As to suggesting any plan for a commutation of Tenure, it is a thing which I cannot take upon myself the responsibility of doing. I am convinced that a voluntary commutation can never be effected in those Seigniories in this Country where the Seignior has not abused his powers. I have a proof of this in my Seignior; and as to a compulsory commutation, I look upon it as a most flagrant violation of the right of property; and consequently cannot recommend it in any shape whatever.

I have the honor to be, Gentlemen,  
Your very humble Servant,

(Signed) WIDOW PASCHAL TACHÉ.

Messrs. BUCHANAN & SMITH,  
Commissioners, &c.

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Letter from Samuel Gerrard, Esquire, Montreal.

MONTREAL, 29TH AUGUST, 1842.

GENTLEMEN,—I have the honor to acknowledge receipt of your circular of the 23rd inst. and beg leave to communicate to you such particulars respecting the Seignior de Lanaudière now in charge of the assignees of Mr. Pothier's estate, as I am possessed of.

There are no mills on the said Seignior, but there is an extensive mill establishment consisting of a three story stone mill and other buildings on Fief Marianne adjoining it, which forms a part of Mr. Pothier's estate, and cost him about ten thousand pounds.

No part of the Seignior de Lanaudière has been conceded, but there are several persons settled on it who have no titles. It contains exclusive of Fief Hope about 70,000 acres, and the land is generally good. I am not informed what quantity of acres is cultivated.

Mr. Pothier has not received any *cens et rentes* nor any *lods et ventes*.

There is one *arrière-fief* within the Seignior called Fief Hope—containing about 22,000 acres, worth about £1000 to £1200.

In regard to the most effectual scheme of commutation, and the most equitable mode of carrying it into execution, it is hardly possible to make any suggestion, that is not surrounded with almost insuperable objections.

The solicitude that exists for the abolition of the Feudal Tenure appears to me to have arisen not so much from its being ill adapted to the state and interests of an agricultural population as from the impression that has gone forth that the Seigniors exercise their privileges illegally, and exact higher rents than they are entitled to.

It is obvious that a person in limited circumstances anxious to possess a land, that he can call his own, can accomplish his view with greater facility under the Feudal than any other Tenure, for, his whole outlay of money to make him proprietor of it is a small annual rent, and he retains the use of any capital he may have to put up the buildings he may require and to stock, clear and improve his farm.

The mutation fine so objectionable in populous and commercial cities does not much affect the agriculturalist, whose object is to cultivate and improve his property and transmit it to his descendants.

Still there is a clamour for the abolition of the Feudal Tenure, and the question is—how can that be effected on liberal principles and with equal justice to the Seignior and the *Censitaire*.

Whatever scheme may be adopted, I consider it indispensable that as a preliminary the Crown should abandon *le profit de quint*, and all its claims on the Seignior. The measure to be effective should be compulsory and the Legislature should undertake to compensate the Seignior, and take the management of the feudal dues into their own hands. But this would lead to such a vast machinery and the creation of so large a public debt, that its adoption is hopeless. In any other scheme of arrangement that the Legislature may deem it advisable to attempt, some principle of settlement should be first determined; then the legal not supposed rights of parties subjected to that test,

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and if there should be a dispute with respect to legal rights (for instance, to the right of the Seigniors to make agreements with their tenants, on arbitrary terms, and not according to any specific tariff) that question may be reserved for the highest decision, and the application of the principle of settlement made dependent upon it.

This difficulty being removed from legislative arrangements—then the question only remains, what is a fit indemnity for the rent, what for the other feudal reservations in the lease? I am of opinion that the payment of a capital sum that will produce legal interest equal in amount to the annual rent, and one mutation fine of a twelfth (or perhaps  $\frac{1}{5}$ ) part of the value of the property to be commuted, would be a sufficient consideration for all Seigniorial dues.

I doubt, however, if this or any other scheme of voluntary commutation, founded on a due regard to the rights of both parties, will ever be generally adopted; for, the *Censitaire* can have no inducement, even if he can afford it, to pay a large sum for the extinction of a fine, to which in the course of his life, he may not be subjected.

I have the honor to be, Gentlemen,  
Your most obedient and very humble servant,

(Signed) S. GERRARD.

To the Commissioners of the Seigniorial Tenure Inquiry.

No. 93.

Letter from Peter Langlois, Esquire, Quebec,

QUEBEC, 1ST SEPTEMBER, 1842.

To the Commission for the Inquiry on the Seigniorial Tenure.

GENTLEMEN,—In acknowledging the receipt of your circular, dated at Montreal, the 22nd ult., and containing questions put to me as the proprietor of part of a Seignior, I shall take the liberty to reverse the order of the questions, by taking the second as the first, and will observe:—

That in 1831, I purchased one half the Seignior of Bourg Louis, at which period there was only five families settled on it; immediately after my purchase, I had the land surveyed and divided into lots of ninety arpents, and at my sole expense, in that and the following year, I opened upwards of seven miles of roads through the same, and since that period upwards of ten miles more have been opened chiefly at my expense also, and by so doing, I have furnished to every settler a good cart road to his own door, and the land being good, with the facility afforded by the roads and the assistance I have frequently given to the poorer class of the settlers, has been the cause of a rapid settlement; so that at the close of the year 1838, only about 4,500 arpents remained unconceded, and at the present period about 1,500, which is principally of low land well adapted for meadows, and the value of which may be estimated at five shillings and sixpence per arpent.

It would be extremely difficult for me to state the exact quantity of land conceded, not under cultivation; but probably it will be sufficient for me to inform you, that there is no lot conceded on which a settlement has not taken place, as I have always given the lots under location tickets, for one year before giving a deed of

concession, and where no settlement has been made, no concession has been granted.

2.—No grist mill has yet been in operation in the Seignior; one is being built which will be ready to work in the autumn, with two sets of stones for flour, and one for oatmeal; the probable cost of building, eight hundred pounds currency.

3.—The land having been conceded within the last ten years, and no rent having become payable by the settlers for two, three, and in some instances four years after taking it, the revenue has not covered the interest of the purchase money, exclusive of all other outlays, the mutations have been about forty-five, on which the *lods et ventes* may be about eighty pounds, or from eighty to one hundred.

4.—The most effectual scheme of commutation?—I cannot conceive of any other effectual scheme than by passing a law making it imperative both on the Seigniors and *Censitaires* to commute within a given period, say three or five years; but as this could not be done without the ruin of more than nine-tenths of the *Censitaires*, and cause a more general distress and discontent in the country than has ever yet been known, I cannot recommend the adoption of a measure which would infallibly lay the foundation of so much trouble and misery in the country, as would inevitably result from such a scheme of commutation.

It appears to me that it should be left optional for the *Censitaire* to commute or not during a period of five or ten years.

And as to the most equitable means of carrying that scheme into operation—

1st.—That, before any *Censitaire* could commute for his land he should pay to the Seignior all the arrears for rents and *lods et ventes* which may be due by him.

2nd.—For an equitable commutation, he should pay the principal of the *cens et rentes* of his land according to the concession deed, and an indemnification for abolishing the *lods et ventes*, and that indemnification should not be less than the Seignior would be entitled to receive in five mutations at least, and that the value of the property to be commuted should be fixed by experts chosen by the Seignior and the *Censitaire* at the time when the latter should desire to commute, and the persons so appointed to be sworn to do justice to both parties.

3rd.—That an indemnification should be paid to the Seigniors who have erected saw or grist mills for the convenience of their *Censitaires*, so that they might be reimbursed for their first value; and also an additional remuneration for the loss they and their heirs and successors would sustain by being deprived of the profits which would have arisen from their mills for generations to come.

4th.—To carry this measure into effect in an equitable manner, I would say that I consider the most unobjectionable way would be that four competent judges should be appointed—two by the Crown, and two by the Seigniors, and let a fifth person be chosen by them, and let them appraise the value of all mills, and if the Seignior does not wish to retain them, let them be sold by public sale, and let the Seignior be paid the amount at which they shall have been valued, and if they do not sell for that amount, let the balance be made up to the Seignior, either by an assessment to be levied on the *Censitaires*, or by any other means and from any other sources which the Legislature may see fit to ordain.

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5.—That the right and privileges of the Seigneur in relation to his mills, should remain unaffected by any commutation until one-fourth of the *Censitaires* shall have commuted, and as soon as one-fourth in any Seignior shall have done so, upon a written application being made to the Commissioners appointed for the valuation of mills, and that application being made either by the Seigneur or the majority of the *Censitaires*, the Commissioners shall then proceed to appraise the value of such mill or mills, and cause the same to be sold to the highest bidder, within six months from such application being made, and the *Censitaire* without exception shall then and not till then, pay a just and equitable indemnification to the Seigneur for the losses he shall sustain, by thus abandoning his rights and giving up a considerable portion of his income for the benefit of the *Censitaire*.

Finally:—If it is the desire of the Crown to bring on the system of commutation with the view as it is supposed to afford some relief to the *Censitaires*, they will no doubt, with a just reason on their part, expect that a demonstration of that disposition should be given to them on the part of the Crown, by abandoning *le droit de quint* upon all those who would avail themselves of the privilege of commuting within a given period, of three or five years.

There is no ancient *Fief* in my part of the Seignior.

I have the honor to be, Gentlemen,  
Your humble servant,

(Signed) PETER LANGLOIS.

No. 94:

Answers of T. Roy, Esquire, Seigneur of the *Fief Vincennes*, to the questions proposed to him by the Commission of Inquiry on the Seigniorial Tenure.

(Translation.)

BEAUMONT, 2D SEPT., 1842.

1. There are two mills in the *Fief Vincennes*, worth about £300. The nett income from these two mills arising from grain ground for the *habitans* may be £45. I do not include in this estimate of the income I derive from them, any profits I make by grinding wheat brought from Montreal, from Upper Canada, and sometimes even from Europe.

2. The whole Seignior is conceded: no concession has been made in it for 20 years past. The extent of the Seignior is 65 arpents in front by 80 in depth. About one-fourth of the Seignior is not under culture; the *habitans* keep the lands uncleared for their own convenience.

3. The *cens et rentes* may amount yearly to about £10, and the *lots et ventes* to about as much. I cannot state the number of mutations: I have not conceded a single lot within the last 20 years.

4. I know no system preferable to that we now have. I have never heard one *habitant* of the *Fief Vincennes* complain of the present system; and during the forty-five years I have been proprietor of the *Fief*, I have never had any suit or the slightest difficulty on any subject connected with my Seigniorial rights.

(Signed) T. ROY.

No. 95.

Answers of L. A. Ducheny, *Maskinongé*.

(Translation.)

MASKINONGÉ, 3RD SEPTEMBER, 1843.

Gentlemen,—It is to be regretted that your letter of the 20th August last, containing divers questions relative to the Seigniorial Tenure, reached me by a private hand only on the 29th, for I could otherwise have answered it personally on the 27th, when I delivered to you in person, a copy of the original Grant of the *Fief* and Seignior of Carufel, and other documents, required by your predecessors in office, which a serious illness had prevented my doing earlier.

1.—I have no grist-mill.

2.—All the lands are conceded: the soil is generally excellent: they are worth and sell for £5 an arpent, and even higher. The *livre terrier* for the *Fief* Carufel not being completed, I cannot tell you precisely the quantity of land conceded, but there are 256 proprietors in this *Fief*, and a great many of them hold several lots. There are 180 in the three-tenths of the Seignior of Maskinongé, and several of them also possess more than one lot. The lands in the part last mentioned are worth and sell for £6 5s. 0d. to £8 6s. 8d. per arpent; they have even sold as high as £10 8s. 4d. There are about 35 lots in the *Fief* Carufel which are not under culture; those who own them preferring to preserve their wood, which is becoming scarce, and to sell the right of cutting it at 1s. 3d. a cord, rather than bring them under cultivation.

3.—£90 a year in the *Fief* Carufel, including 16 minots of wheat, valued at 5s. per minot; and £56 18s. 4d. yearly, in the three-tenths of the Seignior of Maskinongé, including 57 rights of commonage at 2s. 6d. each, and 64 minots of wheat, valued at 5s. the minot. I conceded two lots in 1829, a gore in 1830, and another in 1839. There have been a great number of mutations in the two Seigniories during the last 20 years; but they have not all been profitable to the Seigneur; 937 only have produced the sum of £5471 13s. 8½d.; the others, to the number of 600 or 700, have given nothing, having been fraudulently or collusively made, so as to cheat the Seigneur of his *lots et ventes*, which would have amounted to as much more, if the transactions had been honestly and openly conducted.

The detail of these kind of acts would be too long for me to give it here. It is my intention to give it in some of the public newspapers published in French, as soon as I can find time.

4.—The most equitable system of commutation, and that best adapted for ensuring that the commutation shall be effectively carried out, would be to make it obligatory both on the part of the Seigniors and of the *Censitaires* to fix the rate of commutation for all Seigniorial *cens et rentes* as well as all other rights and dues, conventional or otherwise, consequent upon the deed of concession, at 12s. 6d. for each superficial arpent of land subject to any Seigniorial charge whatever, such commutation money being payable immediately, with all arrears of *cens et rentes* and *lots et ventes*, which might be due at the time of the passing of the proposed Act, with liberty, however, to the *Censitaire* to retain the money in his hands, or rather to obtain delay for the payment, by paying yearly, on the 11th November, a *rente constituée*, secured on his land or ground equal to the interest of the sum retained at six per cent. The Seigneur should have a privileged

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claim similar to that of *bailleur de fonds* on all the property moveable or immoveable possessed by the *Censitaire* within the Seignior, for the security of the principal and interest. The payment of the principal ought to be made in not more than two equal sums, or the Government should make itself responsible for it.

The lands in the three-tenths of the Seignior of Maskinongé are worth, in commutation, 15s. per arpent; this rate was offered me in 1840, if I would commute; but I was unable to do so, because I must first have myself commuted with the Crown. It was not worth while to take the requisite proceedings in order to commute with a single party. The neighbouring lands held in free and common soccage in the township of Brandon, sell at 10s. per acre; they are cut up by ravines and rocky hills, and are far from any navigable river and without any good road, and consequently those which lie near the St. Lawrence ought to be worth more, being in a more advantageous position with regard to communications, while the soil is better, more easily cultivated and more fertile.

5.—There is no *arrière-sief* in either of the Seigniories which I possess.

Such, Gentlemen, are the answers I have to give, and I earnestly hope they may be of some use to you in making your report.

I have the honor to be,  
With respect, Gentlemen,  
Your very obedient and humble servant,

(Signed) L. A. DUCHENY.

To the Commissioners for Enquiry into the Seigniorial Tenure.

No. 96.

Answers of P. T. Casgrain, Esq. Rivière-Ouelle.

(Translation.)

RIVIERE-OUELLE, 6TH AUGUST, 1842.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 22nd August last, and to answer the questions it contains as follows:

1. I have two Grist-Mills in my Seignior, one of which has four pair of stones and is not worth less than £2000; the other has two pair, and is not worth less than £500; not including the other Mills for carding and threshing which form part of the establishments. The income for the last 10 years has been about £300, from the right of banality alone, but this is short of, what the average would have been if the wheat crops had not totally failed in our part of the country.

2. About 11,400 superficial arpents, of which about 300 are low lying lands in the centre of the Seignior which are not worth less than 15s. or 17s. 6d. the arpent; and 8,400 are uplands, which are not worth less than 7s. 6d. or 10s. an arpent. There are about 1400 arpents conceded but not under culture, the value of which is every day increasing.

3. The annual value of the *cens et rentes* is about £125, and the *lods et ventes* amount to £125 or £130. I cannot answer precisely to the rest of this question.

4. This is a difficult and delicate subject on which

I shall not undertake to answer: and in whatever manner the Legislature may decide, the Act would never meet the approbation of the mass of the *Censitaires*. For to please them it would be necessary to make a law of spoliation against the Seigniors, which it would be impossible to pass at this day, or for the Province to take upon itself the payment of the indemnity for the Seigniorial charges and dues.

5. There is none.

You are to observe, that as Seignior, and under titles granted in due form by the Kings of France, I derive in some years large profits from the porpoise fisheries which have long been carried on upon the shoals opposite the River-Ouelle; that my Seignior, by reason of the great quantity of valuable lands remaining to be conceded, is susceptible of a rapid increase in value, which the late bad years have retarded; and that its value cannot be estimated without taking into consideration the speedy and certain increase of the undoubted sources of revenue. The River-Ouelle by which it is watered may hereafter afford the means for the establishment of mills, machinery, and manufactories of all kinds, and in the back portions of the Seignior there are large quantities of timber which can easily be got out.

I have the honor to be, Gentlemen,  
Your very humble and obedient servant.

(Signed) P. T. CASGRAIN.

The Commissioners of Inquiry on the Seigniorial Tenure.

No. 97.

Answers of Madame de Montenach, Montreal.

(Translation)

MONTREAL, 13TH SEPT. 1842.

GENTLEMEN,—In reply to your circular, I beg leave to inform you:

1st.—That I have two mills, one at Pierreville, in the Seignior of St. Francis, and the other in the Seignior of Belœil. The first is estimated at £1000 currency, the second at £800 currency. During the last ten years, the first has given on an average, £30, and the second £100, a year.

2.—There remain no more lands to be conceded in either of the said Seigniories. As to their extent, Pierreville is one league square: Belœil is two leagues in front by  $3\frac{1}{2}$  in depth. With regard to the quality of the soil,—I think that one third of each of the said Seigniories is bad land and of small fertility. With regard to their total value,—they were valued in an official document last year, Pierreville at £2000, and Belœil at £13,000. In the first of the said Seigniories one half of the lands are not yet brought into cultivation; and about one third in the second are in the same condition.

3.—As to the average annual amount of *cens et rentes* and *lods et ventes*, during the last ten years,—it amounts by a recent and exact calculation to £60 for Pierreville, and from £600 to £700 for Belœil. As to the number of mutations and concessions which have taken place during the last twenty years, I am not able to give any precise answer, not having before me any *data* sufficiently exact.

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4.—As to my suggesting any plan of commutation, I must confess that I have neither the inclination nor the ability to propose any thing to the Commissioners which would be likely to be of service to them in coming to a conclusion, as to any scheme for a change of tenure which should preserve the rights both of the Seigniors and of the *Censitaires*. Besides, being myself satisfied with the ancient tenure, I think it my duty to inform the Commission, that a great number of my *Censitaires* are satisfied with it also, and do not desire the contemplated change.

5.—There are only two *arrière-fiefs*, which lie in the Seigniorship of Belœil. The two together contain about two hundred arpents. Their value is included in that I have assigned to the Seigniorship. I see nothing more to answer in the questions addressed to me. I beg the Commissioners to believe that my remarks are sincerely made: assuring them that on my part, I place full reliance on their integrity and in the ability with which they will execute the difficult task they have accepted.

I am with much consideration,  
Your very humble servant,

(Signed) M. C. DE MONTENACH.

No. 98.

Answers of J. T. Taschereau, Esquire, Quebec,  
(Translation.)

QUEBEC, 15TH SEPT., 1842.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter dated the 22d August, 1842, requesting from me, as a Seignior, certain information required to facilitate the Inquiry with which you are charged on the Seigniorial Tenure in this country; and I send you, herein inclosed, my answers to the several questions contained in your said letter.

1.—I am proprietor of the greater part of the north side of the Seigniorship of Fleury or St. Joseph de la Nouvelle Beauce, in the District of Quebec, in which there is a banal mill, which I value at £900. This mill is let by the year for £75; the miller being bound to all the repairs.

2.—There are, in my portion of the Seigniorship, seventy-five lots unceded. Their quality is not very good, and I am not able to speak as to their value. Out of the ceded lots, about one in fifty is uncultivated. The others are partially cultivated.

3.—The amount of *cens et rentes* and *lods et ventes* for the last twenty years cannot be ascertained, in consequence of the destruction of the Seigniorial books by fire in 1835.

4.—I think that a system of commutation which should be uniform and general, and at the same time just and equitable, is an impossible thing. Either the Seignior or the *Censitaire* would be a sufferer in every case. Perhaps, however, the Commissioners may, in their wisdom, discover some means of reconciling the conflicting interests of the parties. My ideas on the subject are these:—I think that the sum of six shillings per arpent, would, on the average, indemnify the Seignior without enriching him, and would not be an overcharge upon the *Censitaire*. Let us take, for example, a lot of three arpents by thirty, making ninety arpents in superficies; such a

lot, at six shillings per arpent, would give £27, the annual interest of which would be £1 12 4. Now, lots of three arpents by thirty, in my Seigniorship, pay, with some few exceptions, 15s 1½d, which deducted from £1 12 4 leaves 17s 2½d, to be balanced by the *lods et ventes* which the Seignior will lose, and by the right of *banalité* which will be taken from him. Now 17s 2½d represents a capital sum of between £14 and £15; and certainly a new lot which changes owners at least five or six times in the space of ten years, will give more than that sum in *lods et ventes*; or if the lot be one well advanced, a single mutation would produce more than the £14 or £15. I think then, that I have demonstrated that without speaking of any indemnity for the right of banality, (the value of which is also capable of being estimated in money,) the sum of six shillings per arpent would do no more than indemnify the Seignior. But the question naturally arises here, whether the commutation shall be compulsory against the Seignior only, or whether he also shall have the right of forcing his *Censitaire* to commute as soon as the law is passed. I hold that equity ought to preside over every case; and that it would not be just for the sake of effecting the gradual extinction of the Seigniorial Tenure, to ruin the Seigniors, and even to despoil them of their dearest rights, (since upon these rights, their existence and that of their families may depend) and that we ought not, under the specious pretext of a law, and for other purposes which I could name, to be more unjust towards them than towards the poorest member of society. It will, I hope, be remembered that theirs are vested rights, of which they are in possession and for which they have given value. For these reasons, I think, that if the Seignior be not allowed to compel his *Censitaire* to commute, he ought at least to be allowed, from the time the Commutation Act shall be in force, to demand the interest of the sum which the *Censitaire* would have to pay on commuting. The reason is evident; for he only will commute who shall have some good site on his land, or who is about to sell—and will thus put into his pocket the amount of *lods et ventes* saved, while his neighbour will remain the *Censitaire* of the Seignior to whom he will pay *cens et rentes* and *lods et ventes*, and be subject to banality, *corvées*, *retrait*, while the party commuting will have become his own Seignior; and the Seignior will have to keep up an agency as heretofore for the lands which shall not have been commuted, and will have the same trouble. Since the object is to extinguish the Seigniorial Tenure, this end will be best obtained by rendering the system general in the manner I have proposed, and by beginning at once to carry it into effect, if not by the payment of the principal of the commutation money itself, at least by establishing a rent, the payment of which shall have the effect of extinguishing all Seigniorial rights, and more especially the *lods et ventes* against which such an outcry is raised. It would be desirable that the proprietor of a building lot should not be allowed to commute for such lot alone, nor unless the Tenure of the whole lot of which it forms part and with which it was originally conceded should be commuted also. Otherwise a party who may wish to commute the Tenure of some choice portion of his land and leave the remainder as before, will sell this portion of the lot (on which probably his houses and buildings will be) to a man who will lend his name for the purpose and will immediately resell to the first party, who will then with all speed sell the rest of the lot (then of no value whatever) to a mere pauper who can be made responsible for nothing. I think it right here again to insist on the principle, that ours are *vested rights*. It is better that the *Censitaires* should suffer if they refuse to commute, because they will have the option of commuting or not as they think proper; but we,

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Seigniors, having our rights guaranteed to us by the public faith and by immemorial prescription, ought not to be deprived of them without a fair indemnity. I think it right also to observe, that 2s. which certain *Censitaires* have recommended as the average rate per arpent to be paid for commutation is ridiculous in the highest degree; and that it would be an act of spoliation, or in plain words a robbery, to compel the Seigniors to abandon their property for one third of what it is worth.—The Commissioners cannot shut their eyes to so gross an error, and will treat this proposal to pay 2s. per arpent, as the estimate of interested parties, who believe that their rents are raised every year, and who ask nothing better than not to pay at all.

I have the honor to be, Gentlemen,  
Your very devoted servant,

(Signed,) J. THOMAS TASCHEREAU.

The Commissioners of Inquiry on the Seigniorial Tenure.

No. 99.

*Remarks on the subject of the Feudal Tenure Inquiry, received from A. Webster, Esquire, the 20th September, 1842.*

A *Censitaire* unpossessed of the positive data, upon which alone the statistical information desired by the Commissioners of Inquiry respecting the Seigniorial Tenure should be grounded, can only offer his suggestions "upon the most proper and equitable means of effecting by law, a commutation of the Feudal and Seigniorial Tenures, and also upon the most proper means of effecting an arbitration in cases where it may be required."

It cannot be doubted, that, provided the Seignior were furnished with a fairly considered equivalent, secured to him and subjected in no degree to the revision of the question or the remark of the *Censitaire*, the former would be disposed readily to resign the rights which he at present possesses, whether legal or customary. The annual rent which is payable for lands held in a Seignior is, in most cases of old concessions, a mere trifle; in few Seigniories is there any charge of this kind worthy the consideration of the *Censitaires*; but the very highest charges as rent, to which any lands held under this tenure are subject, do not amount to more than the interest of what would be appraised as their fair value in a state of nature. But the *Censitaire* of the present day, is not disposed to reflect, that he or his predecessor came into possession of his farms under an express agreement with the Seignior, and the rent which he then engaged punctually to pay is now looked upon as an annually increasing tax, for which he receives no value in return; a charge to be avoided if possible; but if necessarily submitted to, one to be paid with a deep grudge—still more like a burden do the demands made by the Seignior for *lods et ventes* appear to the purchaser of property. The vender, the party who truly pays this charge, being in general happily ignorant of its direct bearing upon himself. Sometimes the *droit de banalité* effects the convenience of the *Censitaire*, although the milling of his grain is required by law to be performed by the Seignior, who maintains this right at a rate very considerably lower than the average charge for similar work in Western Canada or the United States. The *droit de retrait* is seldom exercised, and although the deeds of concession of almost all Seigniories contain an enumeration of many further

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rights and claims, to which the grantee is liable to be made subject, these may be considered as practically resigned by the Seignior, since they are in very few cases indeed, enforced. But every demand which the Seignior may make upon his *Censitaires*, every claim, whether for money or for service, tends to remind them of the feudal nature of their condition, every discussion on the subject of their differences shews the entire separation of interests between the parties; every dispute leads the one to resolve to exact as much, the other to pay as little as possible. There is no hope for the Seignior that, by any course consistent with the maintenance of his last valuable right, he can preserve any degree of popularity with his *Censitaires*. On the other hand, there is no expectation on the part of the *Censitaire*, that readiness or punctuality in the discharge of his dues, will produce to him the smallest advantage. The Seigniors cannot but foresee continued and increasing annuity towards their class, and although protected by the law, and possessed perhaps of some influence among the higher rank, and even in the Government of the country, they cannot doubt that the popular voice opened against them under the impulse of interest, and rendered louder by some instances of undeniable individual oppression, should, sooner or later, prevail. Ordinary foresight must perceive, that the effect of an opposition on their part to what is a general demand, must be disastrous to their interests in the case of an enforced compliance; while few will doubt, that a spirit of candid conciliation evinced at the present time, will secure to them every protective disposition in the Legislature, and maintain in a full equivalent for every vested right which they can show themselves to possess.

A general disposition towards a commutation of tenure, cannot be so confidently anticipated among the *Censitaires* of the Province. The force of habit and a general want of intelligence among the Canadians of French descent, will conspire to render them indifferent to a change of any kind, and with the inhabitants of the Seigniories, of every origin, the want of available funds will prevent a commutation, if this should be permitted only through an instant or early money payment. But the advantages of a relief from those of the Seigniorial rights which tend most directly to depress enterprise and obstruct improvement as well as from those which bear inconveniently or disagreeably upon the independence of the *Censitaires*, cannot long remain unapparent to the dullest apprehension; and an enactment which should permit a commutation without subjecting the party to a heavy outlay within a short period, would undoubtedly be popular with every party of the class who now complain of their Seigniorial burdens.

If a readiness to correspond on this important subject should exist in the parties interested in it, and still more if on consideration they should become disposed to an amicable adjustment of the question between them, the ascertainment of the rights which the law has given to the Seignior, the consideration of such as custom can have added to them, the principal of appraisement of the whole, and the framing of a system under which the *Censitaire* is to discharge his commuted obligation may be proceeded with under greater encouragement, and with less danger of dissatisfaction in the result.

Of the rights which, under the Seigniorial tenure, the Seignior maintains over property placed in possession of his *Censitaires*, it is only the rent and the mutation fine, which are capable of bearing a practical valuation.

The mills of few, if any, Seigniories would fail in their employment, were the *droit de banalité* at once



resigned. The *droit de retrait* is of no practical value unless in the cases where oppression is practised. All the other conditions of tenure which can be discovered in the most elaborately drawn title concession, amount in practice to nothing.

The valuation of the rent payable on a farm, may be made on the common principle and taken at so many years' purchase. For the rent whether high or low, whether practically subject to change, as in the Seigniorics whose proprietors exercise the right of *retrait* to this effect, or not, should be considered as fixed in regard to its rate. If a legal limit to the rate of rent chargeable by Seigniors should be ascertained to have had existence, this point will admit of no question and one rate will be found at once established. The legal interest of money being six per centum, although its annual value may be considered at not less than one third more, it would appear fair to value a rent at about sixteen and one third years purchase. The valuation of the *droits de lods et ventes* must be attended with some difficulty, from the nature of the circumstances under which a charge of this kind becomes payable to the Seignior. Even were it practicable to obtain the full statistics necessary in the formation of a close calculation on the subject, there would yet be room for the introduction of other considerations bearing upon the principle of valuation. The average annual mutations in a District compared with the concessions within the same limit will afford a knowledge of the chances of a mutation, in the case of any given property, in any given term of years or otherwise by average, the term of years in which a mutation occurs in the case of every property. It is not probable that authentic returns can be obtained from every part of the Province, and therefore if more than one principle of valuation of this right is proposed to be established, the definition of the Districts from which the averages are to be drawn, will demand much attention. For the peculiar circumstances which may effect one District or Seigniority ought not to be allowed to bear upon others. Indeed circumstances will be found to have effected, in regard to the mutations of property, various portions of the Province at particular periods, in such manner as to afford no just grounds for an estimation of the valuation of the right of *lods et ventes*. Perhaps the most equitable plan would be to establish a principle of valuation of the *lods et ventes* for the large towns, severally, for the villages in general, and for their country Districts severally.

The yearly chance of a mutation being calculated, the rate of *lods et ventes* being eight and one third per centum upon the amount of sale, it remains only to ascertain by appraisal the value of the given property, to determine the annual charge to which it is subject under this obligation, and the annual charge being established, a principal sum to represent it, may be found, as in the case of the rent, by assuming the amount of sixteen and one third years purchase.

It may be suggested, that in the absence of means to obtain the necessary statistical returns for the systematic establishment of a principle of commutation of the right of *lods et ventes*, the existing circumstances of the Seigniority of Montreal may afford a tolerably fair criterion for an opinion on the subject. The Ordinance authorising commutations and limiting the rates at which they are to take place within that Seigniority is virtually overlooked, and a rate very much below that permitted to be exacted is accepted by the Seigniors. A commutation of the tenure of property in the city of Montreal in which the mutations are undoubtedly more frequent, while property is at the same time improved and increased in value from year to year in a much greater ratio than elsewhere, may be effected

upon payment of eight and one third per cent upon the present valuation. If the Seigniors of Montreal whose knowledge of their interests, whose intelligence and whose foresight are admitted to be superior, are content with so small a composition for their rights, the value of the *lods et ventes* over other parts of the Province, may be taken to be of inconsiderable amount, and this conclusion, if admitted, will render any elaborate investigation into the average of mutations throughout the country less necessary than may have been supposed.

The valuation of the rent and the *lods et ventes* being ascertained, they may be taken to represent in money the obligations of the *Censitaire* towards the Seignior, and it remains to devise a mode in which the former may discharge the debt or the latter be secured in its eventual payment. The Seignior cannot at present realize the principal that might be held to represent his rights, and he could consequently have no claim to the realization of their estimated value in the case of a commutation. It would be highly impolitic indeed, to require the transfer of such an amount as the aggregate commutations, on many accounts. If such a transfer took place at a fixed time, or within any limited period, its effect must be a material derangement of the monetary affairs of the Country. Under any circumstances it must seriously interfere with the diffusion of the benefit which a commutation law must be designed to confer, and worst evil of all, since delay in the commutation must be the penalty contemplated for default in the payment of the amount by the *Censitaire*, it would entail a continuation of the obnoxious tenure to some, perhaps to a considerable extent, in lieu of permitting an immediate and general relief. Could there be found objection to such a principle of arrangement as should give the *Censitaire* an indefinite period for the payment of the principal sum fixed as the equivalent of the commutation of his property, or of any portion of it, not less than twenty per cent, he being in the mean time subject to the payment annually, of interest on the unpaid portion. The Seignior, in this case, should properly be placed in the situation in which he now stands in regard to security, his claim should be a lien upon the property having precedence of all others, subject only to the provisions of the Registration Act.

No. 100.

Answers of O. E. Casgrain, Esquire, Islet.

(Translation.)

L'ISLET, 21st SEPT'R, 1842.

Gentlemen,—I have the honor to acknowledge the receipt of your letter, dated the 22nd August last, and now make it my duty to reply to your questions.

1.—I have only one grist mill in my Seigniority; its value is from £700 to £800. The average yearly income from this mill for the last ten years has been, as nearly as may be, £200, arising solely from the right of banality.

2.—There is not a single arpent of land to be conceded in my Seigniority. There is about one concession and three quarters (the concessions being about forty-two arpents in depth) of uncultivated lands; they appear to be of tolerably good quality.

3.—The annual amount of my *cens et rentes* is, within a few shillings, £25; and that of the *lods et ventes*, for the last 20 years, has been, on an average, from £90 to £100. I cannot state the number of

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mutations which have taken place in that period, having been personally in possession of the Seignior during ten years only.

4.—I leave it to the wisdom and equity of the Commissioners to do justice with regard to the system of commutation to be adopted. I shall only observe, that as the dues the *Censitaires* have to pay to the Seigniors amount to almost nothing, the former will take no steps to commute, with the exception only of those who have mill-sites on their lands. This would cause great injury to the Seignior who would in certain cases have to compete with numerous speculators, who would draw away the custom of the inhabitants of those places in which such mill-sites should be found; so that cases would occur where the Seignior would lose the greater part of the income arising from the right of banality.

5.—I have no *arrière-fief* in my Seignior.

I have the honor to be,  
Your very humble and obedient Serv't,

(Signed) O. E. CASGRAIN.

No. 101.

*Answers of the Prothonotaries, King's Bench, Quebec.*

PROTHONOTARY'S OFFICE,  
Quebec, 13th July, 1842.

To the Board of Commissioners of Inquiry with reference to Seigniorial Tenure.

Gentlemen,—With reference to the communication from the Board, bearing date at Montreal, the 27th April, 1842, signed by G. Vanfelson, Esquire, Chief Commissioner, informing us that the Board of Commissioners having resolved that a series of questions should be transmitted to the Prothonotary for the purpose in such letter referred to, submitting to us the several questions which the Board had settled for that purpose, and expressing that it was the wish of the Board that such questions should be fully answered, and such answers forwarded to the Secretary of the Board on or before the 1st of June then next, we have to observe that having found it impossible to comply with the desires of the Board fully, within the day mentioned, we have already made two several returns to the Board, of such information as we had to communicate with reference to part of the questions submitted: and we have now further to state for the information of the Board, that we have proceeded with due diligence and perseverance to obtain such information as appeared to us to have been required by other parts of such questions submitted to us.

We therefore take up the questions submitted, in their order, and answer them as follows, that is to say:—

1.—Yes, the Prothonotary of the District of Quebec has the legal custody and keeping of the Notarial records in this question referred to.

2.—Yes.

3.—This question has already been answered so far as it has been found practicable to do so, and such answers have been transmitted to the late Board.

4.—The same answer as the last preceding answer applies to this question.

5.—Yes.

6.—Yes.

7.—With reference to the seventh question we think it proper to observe, that there are no means within the possession of the Prothonotary whereby that Officer could furnish the information sought to be obtained as fully as that question appears to require. There is no key or index, or classification of subject forming the ground work of actions, in possession of the Prothonotary, by which the nature of actions instituted, or judgments rendered in such Courts, could be with facility and certainty ascertained; and such information can only be obtained by a perusal of the pleadings and evidence upon which such actions and judgments are founded; consequently the Prothonotary can arrive at such information only, by perusing the pleadings, evidence, and entries made in each case, to do which, there being many thousands of causes which have been entered and adjudicated upon in such Courts within the period referred to in the said questions, it would require a great length of time. We respectfully submit, that a reference by the Board to professional gentlemen who, in the course of their practice, have had occasion to conduct causes of the description referred to, would, in our opinion, tend to elicit much information, with reference to this question.

We have, however, in order to furnish the Board with all the information in our power, carefully inspected all of the entries of causes enrolled in the Registers of such Courts, between the years 1809 and 1841, both years inclusive. This labour has taken up the whole time of one of the Prothonotaries (no other person in their department being equal to such duty) from the 4th day of May last, to this day, with the exception of a part of the first twenty days of June last, when the duty of such Prothonotary was indispensably transferred to the sittings of the King's Bench.

We have found but few cases of records bearing resemblance to those referred to in the seventh question; but of such cases we herewith submit a list, for the information of the Board.

8.—Our answer to the last preceding question, and a reference to such list, will fully answer this question.

9.—This question has been fully answered and such answers, together with the list required has been sent in to the late Board.

We have the honor to be,  
Your most obedient Servants,

(Signed) PERRAULT & BURROUGHS, P.K.B.

No. 102.

PROVINCE OF }  
LOWER-CANADA. }

Report of the Attorney General, to His Excellency the Right Honorable Guy Lord Dorchester, Captain General and Governor in Chief, in and over the Province of Lower-Canada, &c. &c. &c.

MY LORD,—Your Lordship having been pleased to refer to me the petition of sundry inhabitants of the Seignior of Longueuil, to the Honorable the House of Assembly, complaining of an arbitrary increase of the rents paid by them to their Seignior, David Alexander

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Grant, Esquire, for allotment of land which they hold of him as feudal tenants; I have attentively perused and considered the petition, and have now the honor of submitting to your Lordship, the result of my reflections on the subject.

The petition brings forward questions for public discussion upon which there are various opinions. The second clause states that Mr. Grant in open defiance of the ancient ordinances of the Kings of France, has arbitrarily increased the rents of three lots of land which he has conceded to his tenants since he became their Seigneur, and the remaining clausos complain, that he has increased the *reditus* paid by petitioners for lands formerly conceded by his predecessors.

The Seigniories granted to individuals were numerous in 1672, but the actual settlements being inadequate to their extent which in most instances was very great, measures were adopted which were means, and were perhaps calculated to encourage an extensive population of the Colony.

There are a variety of laws and edicts for this purpose; by some of them a compulsory course was chalked out to effect an escheat of the granted but unsettled Seigniories (or a portion of them) to the Royal Domain.

These laws presume the Seigniors in fault for the non settlement of the estate granted to them, and that they refused to make leases or under grants.

To remedy the evil, the Royal Edict of the 6th July 1711, enacted, that every Seigneur should concede, upon application, such quantities of ungranted lands as any inhabitant should ask, within the limits of his Seignior, *à titre de redevance, et sans exiger d'eux aucune somme d'argent*, and in case of the Seigniors refusal, the same Edict authorized the Governor and Intendant to grant the land required *aux mêmes droits imposés sur les autres terres concédées dans les dites Seigneuries*.

There does not however appear among the records of the Province any Edict of the French King fixing the exact *quantum* of the *reditus* or *cens et rentes Seigneuriales*, but prior to the conquest, a rule taken from the concessions made by the Crown, where the King was the immediate Seigneur was much followed. By this rule, to render any one estimation applicable to the whole Province, the *cens* is fixed at one *sol argent tournois*, or a half penny for every acre in breadth and the *rentes Seigneuriales* at *quarante sols* or twenty pence sterling for every acre in breadth by forty in depth, and one capon or ten pence sterling at the Seigneur's option, or half a bushel of wheat where the *reditus* was made in grain.

There are two judgments, one of the Intendant Begon of the 18th April 1710, and the other of the Intendant Hocquart of the 20th July 1732, in some degree confirming this customary regulation; but it must however be remarked, that this rule was not absolutely general, and that the *reditus* in the District of Montreal has always been greater than that of the District of Quebec. It was perhaps impossible from difference of soil, situation and climate; and upon the whole I do not think that any general rent was by law established, and I conceive the Edict of 6th July 1711, to be the only guide for determining the question.

This Edict clearly shews an intention in the Legislature of the day, to compel the Seigniors to grant their unconceded lands to the inhabitants, and in my apprehension, to grant them at the customary rent in their

respective Seigniories, because that is declared to be the standard by which the Intendant, who conceded in case of the Seigneur's refusal, was directed to estimate the legal *reditus* which he was authorized to establish.

I am therefore of opinion that the present Seigniors of Canada have in no instance a right to exact from their tenants more than the accustomary *reditus* fixed by their predecessors before the conquest; and that the legal *reditus* in each Seignior is a matter of fact established by the evidence of ancient deeds of concession. And if it was then in the tenant's power to compel his lord to grant his land to him as he had granted it to others, through the intervention of the Court of the Intendant, these terms were and still are his legal right; the Edict of the 6th July 1711, is still in force.

As to the clauses of the petition complaining that the Seigneur has arbitrarily increased the *reditus* paid for lands formerly granted to the petitioners, I am clearly of opinion, that in all cases of leases or concessions already made by the Seigniors to their tenants, the *reditus* fixed by the deeds of concession can never be increased by the Seigneur under any pretence whatsoever. But it is a question whether the petitioners have at present a legal mode of redress against the innovations of which they complain.

As the law stood at the conquest, the tenant, in cases similar to the present, would have found an immediate remedy upon application to the Court of the Intendant; and I am of opinion, that the present Courts of the Province are adequate to the purpose of affording them effectual relief.

The Chief Court for securing the property and civil rights of the subject is the Court of Common Pleas. The whole powers vested in the Intendant are not, certainly, transferred to that Court, for, the Intendant could appoint to office, make laws of police and levy taxes; but I am of opinion that the Court of Common Pleas is vested with those branches of his Jurisdiction as a Judge, which he held for the security of the property and civil rights of the subject; and this has been lately adjudged in the Provincial Court of Appeals, in the case of *Cuthbert vs. Bazil*.

But in giving this opinion, I think it my duty to remark to your Lordship, that the poverty of the tenants in general, prevents them from profiting by that mode of redress which I have just pointed out.

They are able to institute and carry on their suits to judgment in the Common Pleas; equal perhaps to meet the costs of the Court of Appeals, but, the enormous expense attending an appeal to His Majesty in Council, to which the Seigneur is entitled, as his rights in future may be bound by the decision, deprives them of the possibility of obtaining justice, and compels them to abandon their rights, and throw themselves upon the mercy of their antagonist, who compromises the action, and grants a new deed of concession upon his own terms.

All which, &c.

Quebec, 27th February, 1794.

No. 103.

Extract from the grant by the Sieur de Vaudreuil, Governor, &c., to the Seminary of Montreal, of the Seignior of the Lake of the Two Mountains,

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17th October, 1717, and from the King's Letters Patent, confirmatory thereof, 27th April, 1718.

(Translation.)

## ORIGINAL GRANT.

“ On condition of leaving the necessary roads and communications,—of conceding the said lands on the sole condition of paying twenty *sols* and one capon, for each arpent in front by forty in depth, and six *deniers* of *cens*, without stipulating in the deeds of concession, for any sum of money or other charge, than those above mentioned, according to His Majesty's intention. ”

## LETTERS PATENT.

“ On condition of leaving the necessary roads and communications,—of conceding such of the said lands as shall still be uncleared, on the sole condition of paying twenty *sols* and one capon for each arpent in front by forty in depth, and six *deniers* of *cens*, without stipulating in the deeds of concession for any sum of money or other charge than those aforesaid, but with His Majesty's permission to sell or concede at higher rates, lands of which one fourth part at least shall have been cleared. ”

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*Extract from the Letters Patent of the King of France, dated at Versailles, the 1st March, 1735, confirming a grant of 26th September, 1733, made by the Marquis de Beauharnois, Governor, &c., to the Seminary of Montreal, of an augmentation of the Seigniorship of the Lake of the Two Mountains.*

(Translation.)

“ And the said Ecclesiastics shall be in like manner bound by their tenants to perform the duties of actual settlement within one year, in default whereof the lands hereby granted shall be re-united to His Majesty's Domain, forthwith to clear the said lands or cause them to be cleared, to leave the King's highways and such other roads as may be deemed requisite for the public utility upon the said lands, and to insert a like condition in the deeds of concession, which they shall grant to their tenants at the *cens et rentes* and charges per arpent customary in the neighbouring Seigniorships, regard being had to the quality and situation of the lands at the time of their being conceded in lots; all which conditions it is also His Majesty's pleasure, shall be observed with regard to lands and hereditaments in the Seigniorship of the Lake of the Two Mountains, belonging to the said Ecclesiastics, notwithstanding the establishment of certain rates of *cens* and other charges, and of the quantity of land in each lot to be conceded, mentioned in the said Letters Patent of the year 1718, which His Majesty has in so far revoked. ”

No. 105.

*Certificate of the Nuns of the General Hospital, Montreal, relating to the Seigniorship of Chateauguay.*

(Translation.)

We, the Sister Marguerite Le Maire, Superior of

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the Community of the Nuns of the Montreal General Hospital, and the Sister Elizabeth Forbes, commonly called McMullin, Custodian of the property of the said Community, having in our said capacities the sole charge of the affairs of the said Community, hereby certify, that the Nuns of the General Hospital, as administratrixes of the property of the Poor of the said General Hospital, are the Seigniors in possession, on behalf of the said Poor, of the Seigniorship of Chateauguay, situate in the District of Montreal, bounded on one side by the Seigniorship of Villeneuve or Beauharnois, now known by the name of Annefield. We further certify, that the highest rate of *cens et rentes* payable in the said Seigniorship of Chateauguay is five *sols tournois* as *cens* for the whole lot conceded, one *sol tournois* (French currency) for each superficial arpent and one half minot of dry, clean, sound, merchantable wheat, for each twenty superficial arpents, as Seigniorial Rent; and that the lowest rate of such *cens et rentes* is three *sols tournois* as *cens* for the whole lot conceded, one *sol tournois* (French currency, for each superficial arpent, and a capon or twenty *sols* in money, for each twenty-five superficial arpents, as Seigniorial Rent. We further certify, that to the best of our knowledge, the latest concessions made in the said Seigniorship of Chateauguay, were made in the years 1799, 1800, and 1801.

(Signed,)

SR. M. MARGUERITE LE MAIRE, Sup.  
SR. McMULLIN, Custod.

Montreal, 8th March, 1830.

We certify that the above admission was filed in a cause in the Court of King's Bench at Montreal “*Ellice vs. Manning*,” and is now of record.

(Signed) MONK &amp; MORROGII, Proth.

Montreal, 10th August, 1842.

No. 106.

*Procuration from the Superior of the Seminary of St. Sulpice to the Superior of the Seminary St. Sulpice, Montreal, relative to the Seigniorship of Montreal.*

(Translation.)

MONTREAL, 7TH AUGUST, 1842.

We, François Les Chassier, Doctor in Theology, of the Faculty of Paris, Superior of the Ecclesiastics of the Seminary of St. Sulpice of Paris, Seigniors of the Island of Montreal and other places thereon depending, in New France, being desirous of promoting, in so far as in us may lie, the advancement of the settlement of the said Island and its dependencies, by inviting such persons as are capable of bringing the vacant lands into cultivation to establish themselves thereon, and thereby to increase the number of inhabitants and habitations in the same, do hereby authorize and empower the Rev. Mr. François Le Vachon de Belmont, Priest, Bachelor of the Sorbonne, whom we have constituted and appointed Superior of our Seminary of Montreal, and of such of the Ecclesiastics of St. Sulpice as are in New France, to concede such lands as may be found vacant, and other than such as we shall hereafter reserve for ourselves within the limits of our said Seigniorship, to such persons as he shall deem best fitted to advance the settlement of the said Colony, reserving such *cens* and Seigniorial charges as it shall then be customary to impose in the said country on lands and hereditaments of like kind; provided that

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the lands conceded to one individual shall in no case exceed in the whole six score arpents, to the end that the number of inhabitants may be the greater, and that each may himself cultivate the lands granted to him; for which reason the said *Sieur de Belmont* shall not grant lands, by any title whatsoever, to any party who would hold the same in mortmain, nor shall he grant any of the said lands to be held *en fief* or as an *arrière-fief*, to any person or for any cause whatsoever, without being first thereunto specially authorized by us or our successors, Superiors of the Seminary of St. Sulpice; and we further enjoin the said *Sieur de Belmont* to select and cause to be marked out, in three or four different sections of the said Island best adapted for the purpose, and as little distant as may be from the Town called *Ville-Marie*, tracts of at least sixty arpents in width of the said vacant lands, on which the finest timber shall be found, for the purpose of being constituted forests, which we direct to be reserved and kept for unforeseen occasions, and for the use of the Seigniors, and also a certain small tract of about two hundred arpents of woodland which remain unconceded near the tract of about the same extent granted to the Hospital in the year 1682; with power to the said *Sieur de Belmont* to receive yearly, and to employ the revenues of the said Seignior, in his discretion, for the use of the Seminary of *Ville-Marie*, and for the benefit of the said settlement, and for this purpose to do all necessary acts and things;—And we further authorize and empower him to demand and receive all sums which are or may be hereafter due as indemnity to the Seigniors from any community or party holding in mortmain; provided always, that he shall not decrease or remit any part of such indemnity, inasmuch as the same is an inalienable fund of the said Seignior, for the benefit whereof all sums received for such indemnity shall be by him employed in the purchase of such useful property as we shall deem it expedient to recommend upon notice to us by him given; nor shall he decrease or reduce the rate of the rents and Seigniorial dues which have been or shall hereafter be constituted for the benefit of the said Seigniors, and whereof he shall cause all necessary acknowledgements to be made and taken:—And we further empower the said *Sieur de Belmont*, to appoint and remove, when need shall be, the officers employed in the exercise of the Jurisdiction which we have reserved to ourselves at the chief seat of our said Seignior of Montreal, causing all offices thereunto appertaining to be filled by upright and qualified persons, as shall to him appear expedient. In testimony whereof we have signed these presents with our hand, and have caused the same to be countersigned by our Secretary, who hath hereunto affixed the Seal of our said Seminary, to the end that they may be and remain in force and effect until the express revocation thereof.

Done at Paris, in our said Seminary of St. Sulpice, on the nineteenth day of March, one thousand seven hundred and two.

(Signed) LES CHASSIER:  
and below, BOURBON, Secretary.

(Signed) DESCHAMBEAULT.  
ADHEMAR.

Extracted from the Registers of the Royal Jurisdiction at Montreal, for the sitting held on Tuesday, the 27th June, 1702, before Monsieur the Lieutenant General.

We certify that the above procuration was enregistered in the *Jurisdiction Royale* of Montreal, in open

Court, on the 27th June, 1702: as appears by the Register of that Court in our custody.

(Signed) MONK & MORROGH,  
Prothonotary.

Montreal, 7th August, 1842.

No. 107.

*Judgment of the Cour Royale, relating to Isle-Bouchard, on the 25th June, 1745.*

(Translation.)

Between Mrs. Louise Catherine Robineau, widow of the late François Degordy, in his lifetime, Esquire, Chevalier of the Royal Military Order of St. Louis, Major of Three Rivers, Seignior of the Isle-Bouchard, partly in her own right and partly as tutrix to the minor children of herself and her said late husband, Plaintiff, for the purposes set forth in her declaration, served by the Bailiff, *comparé* on the 3rd day of February last, on the one part; and Michel Colin dit Laliberté, *habitant*, of the said Isle-Bouchard, Defendant, on the other part. Having before us the said declaration, concluding that the said Defendant be held to exhibit the Title Deeds by virtue whereof he possesses one hundred and twenty arpents of land in the said Seignior of the Isle-Bouchard, bounded in front by the Villebon Channel, and in the rear by the River St. Lawrence, on one side by Pierre Larose, Esquire, and on the other by Jean Baptiste Edeline, and to pay the value of two days of *corvée* at forty *sols* a day, and such sum as the Court shall direct for the exercise of the right of fishing since he has been in possession of the said land, and the sum of six *livres* as the value of a net which the said Plaintiff lent him, and also the *cens et rentes* and Seigniorial dues, according to the ancient deeds of concession, of the other *habitans* of the said Seignior; and to continue to pay the said rights and dues in future, to pass a *titre-nouvel* or acknowledgement of the same before Notaries, and to deliver a copy thereof in due form to the said Plaintiff; and having also before us our order of reference to *experts* made on the 12th of February last, and the certificate of the service thereof on the said Defendant by the said *comparé*, on the 17th of the same month, with a summons to comply therewith, and the Petition filed; the said Defendant praying, that in as much as the said Plaintiff is not entitled to the said days of *corvée*, because she has sold the common for which the same are due: she may be ordered to permit him to enjoy the said land as he hath heretofore enjoyed the same, on his passing (as he offers to do) a title in her favor, according to the Custom of Paris followed in this country, and to which he is willing to submit, declaring also that he has, three weeks ago, returned to the Plaintiff the net which she demands, and praying costs, and our order thereupon made on the 19th day of the said month, and directed to be served on the parties and inserted in the record of the cause pending between, to the end, that reference may be thereunto had in the decision of the said cause, (the said Petition and Order having been served on the said Plaintiff by the Bailiff, Davesne,) and the exhibits produced by the parties on the 25th day of March last, according to their respective lists, dated the 12th February and the 17th of March last, which they respectively caused to be served on each other on the 17th of February and the 20th of March aforesaid, and the Act produced in the office of the Clerk of this Court by the said Plaintiff, and bearing date the 19th of February last, and served on the Defendant on the 10th of March last: and more especially on the part of the said Defendant, a judg-

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ment rendered by Mr. Hocquart, the Intendant in this Country, on the 8th day of July, one thousand seven hundred and thirty, in a cause between the said Plaintiff and Marguerite Benoit, widow of the late Jean Baptiste Edeline, on behalf and in her quality of mother and natural Tutrix to Jean Baptiste Edeline, her minor son, whereby, on the claim made (among other things) by the said Widow Edeline, to be discharged from the said days of *corvée*; the action was dismissed, and an acquittance granted by the said Plaintiff to the said Defendant on the 11th of November, one thousand seven hundred and forty-three, for the *cens et rentes* on his land in her Seigniorship for the said year one thousand seven hundred and forty-three; and on the part of the said Plaintiff a deed of concession made by the said late Sieur Degordy to Jacques Foisy of eighty-six arpents of land, or thereabouts, in the said Seigniorship of the Isles-Bouchard, before Mre. Raimbault, Notary, on the 14th of December, one thousand seven hundred and nine, on the conditions and subject to the clauses and charges therein set forth. And a judgment rendered on the 3rd of June, one thousand seven hundred and fourteen, by Mr. Begon, then Intendant in this country, whereby the *habitans* of the Seigniorship of the Isles-Bouchard are condemned to render to the said Sieur Degordy, the days of *corvée* mentioned in their respective deeds of concession, and whereby the time at which the said days ought to be given are regulated, and the other exhibits produced by the parties, and the conclusions taken by the Attorney General on the 14th of the present month. And having duly considered the whole, we have condemned the said Defendant to pay to the said Plaintiff the sum of three *livres* for two days of *corvée* for the year now last past, together with four *livres*, ten *sols*, one *sol* of *cens*, and six capons, for one year's *cens et rentes*, due on the 11th of November last, the whole lawful currency of France; and to render and pay the said *cens et rentes* and *corvées* yearly; and we condemn him also to return the Nets lent him by the said Plaintiff, or to pay her the value thereof, to be estimated by appraisers to be agreed upon by the parties; and also to account for and deliver to her the eleventh part of all fish which he hath taken during the last year, or shall hereafter take; and to execute in favor of the said Plaintiff a new title and acknowledgement of the dues aforesaid, before a Notary, and to furnish her with a copy thereof within fifteen days; and in default of the said Defendant so to do, this, our judgment, shall avail to the said Plaintiff as a title. And we condemn the said Defendant to pay the costs taxed at sixteen *livres* and fifteen *sols*, the cost on this judgment not included. And we command, &c. Done at Montreal, the twenty-fifth day of June, one thousand seven hundred and forty-five.

Signed, Guiton, Monrepas. On one side is written, to us, six *livres*; to the Attorney General, four *livres*; to the Prothonotary, four *livres*.

(Signed) DAURÉ DE BLENZY.

We certify that the above is a correct copy of a Judgment of the same date in the Registers of the *Cour Royale* at Montreal, in our custody.

MONK & MORROGH,  
Prothonotary.

Montreal, 15th August, 1842.

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Concession by Sieur de la Valtrie to Frs. Lapointe.  
(Translation.)

15TH JUNE, 1780.

Before the undersigned Notary Public for the Province of Quebec, District of Montreal, residing at Terrebonne, and the witnesses hereinafter named, personally appeared Pierre Marganne, Esquire, Sieur de la Valtrie, Seignior thereof, and of Terrebonne, Mascouche, and other places.

Who hath by these presents granted and conceded henceforth and for ever *à titre de cens*, and on condition of the payment of Seigniorial and irredeemable ground rent, with warranty against all troubles and hindrances whatsoever, unto François Gaudard dit Lapointe, farmer, residing at Mascouche de Terrebonne, hereunto present and accepting the same, to be holden by the tenure aforesaid, for himself, his heirs and legal representatives for ever, a certain lot of land of two arpents and ten feet in front by forty arpents in depth, lying and being on the north side of the River Ste. Marie, in the said Seigniorship, bounded in front by the said River and in depth by the lands on *Le Bras*, on one side to the north-east by the lands of Joseph Chaumont, and on the other to the south-west by those of Gabriel Forget; the said grantee being before the passing hereof in possession of the said lot which lieth within and is holden of the said Seigniorship, and is hereby charged with the payment to the Seignior thereof of two *sols tournois* for each superficial arpent, and five *sols* of *cens* for the whole lot, according to the usage and custom followed in this country, payable yearly, commencing at Martinmas, the eleventh day of November next, and so continuing yearly for ever, the same being for *cens* and Seigniorial irredeemable ground rent, the said *cens* carrying with it the right of *lods et ventes, défaut*, seizure and fine when and so often as the same shall accrue, with the right to the said Seignior of taking the land hereby conceded in case of the sale or mutation equivalent to sale, of the whole or of any part thereof, (even in preference to the relations by blood,) on reimbursing to the purchaser the price he may have paid, with his lawful charges and disbursements, the proprietor of the said land being subject also to the obligation to carry his grain to be ground at the mills of the said Seigniorship, without the right of causing it to be ground elsewhere on pain of the forfeiture of such grain and fine, and also on pain of paying to the miller of the Seignior, the toll on the grain he shall have so carried to be ground elsewhere.

To be the said land held, enjoyed and disposed of by the said grantee, his heirs and legal representatives henceforth and for ever, as to them shall seem meet, but without power to him or them to convey the same or any part thereof to any community or party holding in mortmain, or to impose *cens* upon *cens*.

The said land being conceded subject to the charges aforesaid, and also on condition that the proprietor shall allow thereon all roads, bridges and other like things which the said Seignior shall deem necessary for public utility, and shall keep the same passable; and that the said Seignior, his heirs and legal representatives shall have the right of taking from off the said land such timber as may be required for his mills, or for any church, parsonage house, principal manor house, or other work of public utility, or for his private use, without paying any price or indemnity for the same; and that the said grantee shall not build any grist mill or saw mill without the permission in

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writing of the said Seigneur, who hereby reserves for himself all rivers and water courses on which such mills can be constructed.

And the said grantee shall be bound to reside and to perform the duties of actual settlement on the land hereby conceded, and to clear the same for his use as such clearance shall become necessary, and to pay the tithes to the *Curé*; all which the said grantee promises and binds himself, his heirs and legal representatives to do and perform, and to pay the Seigniorial *cens et rentes*, at the place appointed for that purpose, yearly, at Martinmas aforesaid, the eleventh day of November next, and so to continue as long as he shall hold and possess the said land or any part thereof. And the said Seigneur hereby expressly reserves for himself all mines and minerals which may hereafter be found on the land hereby conceded, and also the right of taking out of all quarries and other places such stone as he may require for mill stones or for building, and of disposing of the same in such a manner as to him, his heirs and legal representatives shall deem expedient; and the said grantee binds himself to improve the said land and to keep it in such state that the said *cens et rentes* may easily be levied annually from off the same. And for the due performance of all the foregoing clauses and conditions the said grantee hereby hypothecates all his property moveable or immovable, present or future, nor shall the general and the special obligation in any wise derogate from or impair the one or the other. And if the said grantee, his heirs or legal representatives shall fail to comply with the clauses and conditions hereinbefore written, it shall be lawful for the said Seigneur to re-enter of full right upon the land hereby conceded without being bound to any previous suit or legal proceeding whatever, these presents remaining nevertheless in force and virtue; and the said grantee shall moreover cause the said land to be measured and bounded throughout its whole length and breadth by a sworn Surveyor, and shall at his own cost and charge, furnish a copy of the *proces verbal* of the survey and of these presents to the said Seigneur. For thus, &c.; promising, &c.; obliging, &c.; renouncing, &c. Done and passed at Terrebonne, in the forenoon of the fifteenth day of June, in the year one thousand seven hundred and eighty, in presence of Claude Romant, merchant, and Pierre Le Fort, Bailiff, witnesses, who have signed with the said Seigneur, on the original remaining of record in my office, the said grantee having declared himself unable to write or sign his name, being thereunto requested, these presents being first duly read over.

(Signed) DUSAULT, N. P.

No. 109.

*Concession by Sieur de la Valtrie to André Gauthier.*

(Translation.)

9TH JULY, 1782.

Before the undersigned Notary Public for the Isle Jésus, Terrebonne and other places, in the District of Montreal and Province of Quebec, residing at the village of Terrebonne, and the witnesses hereinafter named and by order of Pierre Marganne, Esquire, Sieur de la Valtrie, Seigneur of Terrebonne aforesaid, Mascouche and other places.

Who hath by these presents granted and conceded

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henceforth and for ever *à titre de cens* on condition of paying the *cens* and the Seigniorial and irredeemable ground rents hereinafter mentioned, with warranty against all claims and hindrances whatsoever, unto André Gauthier, farmer, residing at La Grosse Chaussée, Mascouche de Terrebonne, hereunto present and accepting the same on the said tenure and terms for himself, his heirs and legal representatives for ever, a certain lot of land of three arpents in front by forty in depth, lying at La Grosse Chaussée aforesaid, and bounded in front by the lands of Antoine Frajour dit Bonnetterre, and in the rear by those of Bazil Huot and François Payet dit St. Amour, on one side to the north east by the lands of Léonard Peltier, and on the other side to the south west by those of the said Payet; the said land hereby conceded being within and holden of the Seignory aforesaid and hereby charged with the payment to the Seigneur, of two *sols tournois* for each superficial arpent, and five *sols of cens* for the whole land so conceded, according to the ancient custom followed in this country, the same being payable on the fifteenth day of January next, and on the same day in each year thereafter, the said *cens* carrying with it the Seigniorial rights of *lods et ventes, défaut*, seizure and fine whenever the same shall accrue, and also the right of pre-emption in favor of the Seigneur in the case of the sale or alienation equivalent to sale, of the whole or of any portion of the lot hereby conceded, even in preference to the relatives by blood, on his re-imbursing to the purchaser the price by him paid with his lawful costs and disbursements; subject also to the obligation on the part of the grantee to grind his grain at the mills of the said Seignory, without the right of causing them to be ground elsewhere, on pain of forfeiture of such grain and fine, and of paying the toll on all grain which he shall have caused to be ground elsewhere.

The said land hereby conceded to be enjoyed and disposed of by the said grantee, his heirs and legal representatives henceforth and for ever, as to them shall seem meet by virtue of these presents; but nevertheless without power to sell or convey the same or any part thereof to any community or party holding in mortmain, or to impose *cens* upon *cens*.

The said land being conceded subject to the charges aforesaid, and also on condition of allowing thereon all roads, bridges and other like things of public utility which the said Seigneur shall deem necessary, and of keeping the same passable; and the Seigneur, his heirs and legal representatives, shall also have the right of taking from off the said land such timber as shall be required for his Mills or for Churches or Parsonage-houses, or for his principal Manor-house, for the public utility or for his or their private use and without paying an indemnity therefor; nor shall the said Grantee build any grist-mill or saw-mill without permission in writing, the said Seigneur reserving for himself all rivers and water courses adapted for the construction of any such mills.

And the said grantee shall be bound to reside and to perform the duties of actual settlement on the said land, and to clear the same so as to afford air and light to his neighbours as need shall be, and to pay tithes to the *Curé*; all which conditions the said grantee for himself, his heir and legal representatives hereby promises to perform, and to pay the said Seigniorial *cens et rentes*, at the place to be appointed by them for that purpose, on the fifteenth day of January in each year, so long as he or they shall remain in possession of the said land or of any part thereof.

And the said Seigneur hereby expressly reserves for himself, his heirs and legal representatives, all mines

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and minerals which may hereafter be discovered on the said land, and also the right of taking at his pleasure from quarries and other places all such stone as may be required either for mill-stones or for building; and the said grantee binds himself to improve the said lot and to keep it in such a state as that the said *cens et rentes* may easily be collected yearly upon the same; and for the due execution of the foregoing clauses and conditions, the said grantee hereby hypothecates all his property moveable and immoveable, present and future, in such manner that the general hypothec shall not derogate from or impair the special; and if the said grantee, his heirs or legal representatives shall fail to perform the clauses and conditions aforesaid, it shall be lawful for the said Seigneur to re-enter of full right upon the land hereby conceded, without any previous suit, legal form or proceeding whatsoever, these presents remaining nevertheless in full force and effect; and the said grantee shall cause the said land to be measured and bounded throughout its length and breadth by a sworn Surveyor, and at his own cost to furnish a copy of the *procès verbal* of such survey and of these presents to the said Seigneur. For thus, &c., promising, &c., obliging, &c., renouncing, &c. Done and passed at Terrebonne in the afternoon of the 9th day of July, in the year one thousand seven hundred and eighty-two, in presence of Pierre Le Fort, who hath signed, and Germain Gariépy, who with the said grantee have declared themselves unable to write their names, but have made their ordinary marks; the original of these presents remaining of record in the office of the undersigned being first duly read over.

(Signed,) DUSAUT, N. P.

No. 110.

*Proceedings and judgment in the Court of King's Bench, Montreal, in case Duchesnay vs. Hamilton, et al.*

(Translation.)

No 1.

PROVINCE OF LOWER-CANADA, } IN THE KING'S  
DISTRICT OF QUEBEC. } BENCH.

MICHEL LOUIS JUCHEREAU DUCHESNAY,  
Plaintiff,  
vs.

WILLIAM HAMILTON and MARTIN KELLY,  
Defendants.

To the Honorable the Justices of His Majesty's Court of King's Bench for the District of Quebec;

Michel Louis Juchereau Duchesnay, of the City of Quebec, Esquire, Seigneur of Fossambault and Gaudarville, complaining of William Hamilton and Martin Kelly, Traders, residing in the said City of Quebec, by this his declaration humbly represents;

That the said defendants are in possession of and hold a certain lot of land and habitation situate in the Parish of Ste. Catherine, in the said Seignior of Fossambault, in the fifth concession of the said Seignior, the said lot being three arpents in front by thirty four arpents or thereabouts in depth, and bounded in front towards the south by the River Jacques Cartier, and in the rear towards the north by the lands of the seventh concession, on one side towards the east by the lot commonly known as number twenty six, and on the other side towards the west by the lot com-

monly known as number twenty four; which said lot of land and habitation the said defendants acquired from one John Walsh, in the course of the year now last past.

That the said lot of land and habitation is charged in favor of the said plaintiff with four pence currency, as Seigniorial *cens et rentes* on each superficial arpent, and is subject to the right of conventional *retrait* and to divers other Seigniorial and conventional rights, as the neighbouring lands likewise are.

That the said defendants refuse not only to pay to the said plaintiff the said *cens et rentes*, of which they owe him three years arrears, but also to pass in his favor an acknowledgment of the said *cens et rentes* and other Seigniorial and conventional rights with which the said land is charged in his favor.

All which allegations the said plaintiff avers to be true and well founded in fact and in law, and offers to justify, prove, and maintain when and in such manner as this Honorable Court shall be pleased to direct.

Wherefore the said plaintiff prays, that a writ may issue out of this Honorable Court to compel the said defendants to be and appear before this Honorable Court on Monday the second day of October next, to answer the demand of the said plaintiff in this declaration contained;—and that for the causes aforesaid and by the judgment of this Honorable Court the said William Hamilton and Martin Kelly, and each of them, may be condemned to pass in favor of the said plaintiff, as Seigneur of the said Seignior of Fossambault, their declaration in due form and before a Notary, to be agreed upon by the parties, or in default to be appointed by the Court, such declaration containing,—1st a specification of the title by virtue whereof the said defendants have become proprietors of the said lot of land and habitations;—2nd. a description of the said lot of land by its present metes and bounds, and an exact statement of its measure and content;—3rd. a statement of the *cens et rentes* and other obligations and dues, Seigniorial or conventional, with which the said land is charged in favor of the said plaintiff, as Seigneur of the said Seignior of Fossambault, mentioning also the time and place when and where the said obligations and dues are to be paid and performed;—and that the said defendants may be also condemned to pay to the said plaintiff the arrears of the said *cens et rentes* and other Seigniorial dues, with ten pounds currency for damages, and costs.

(Signed) VALLIERES DE ST. REAL.

12th September, 1826.

No. 2.

PROVINCE OF LOWER-CANADA, } IN THE KING'S  
DISTRICT OF QUEBEC. } BENCH.

{ MICHEL LOUIS JUCHEREAU DUCHESNAY  
Plaintiff,  
vs.  
WILLIAM HAMILTON,  
Defendant.

No. 1376.

And the said William Hamilton, for answer to the demand contained in the declaration of the said Michel Louis Juchereau Duchesnay, in this cause filed, not confessing or acknowledging the truth of any of the matters and things in the said declaration set forth and

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alleged, except that the said William Hamilton is the proprietor or possessor of the lot of land therein mentioned by this his perpetual peremptory exception in law, saith, that the said plaintiff cannot by law at any time have and maintain any action against the said defendant for and by reason of any of the matters and things set forth and alleged in the said declaration, because at the time when the said defendant acquired the said lot of land from one John Walsh, by an instrument under private signature, bearing date the 3rd day of February, one thousand eight hundred and twenty five, (which said instrument was thereafter ratified and confirmed by the said plaintiff, by another instrument under private signature, bearing date the 12th day of February in the said year) the amount of the *cens* which the said defendant was to pay to the Seigneur within whose *censive* the said land lay, was not stipulated nor mentioned, either by the plaintiff or by the said John Walsh, to the said defendant.

Because, the said William Hamilton has never refused to pass a title, declaration and acknowledgment of the *cens et rentes* and other Seigniorial charges due to the Seigniors of the place in which the said land is situate at the rate of one *sol tournois*, currency, for each superficial arpent, which is the rate at which a great number of the lands situate in the same Seignior with the land in question have been conceded; which said title and declaration the said defendant hath often before the commencement of this action, offered to the Seigneur of whom the said land is holden, on the conditions aforesaid.

Because, by the law in force in this Province, the Seigneur is bound to concede his lands at the ordinary rate at which lands have been conceded in his Seignior.

All which allegations the said William Hamilton avers to be true and well founded in fact and in law, and the same will verify, prove and maintain when and in such manner as this Honorable Court shall be pleased to direct.

Wherefore the said William Hamilton humbly prays that, for the reasons aforesaid, the action of the said Michel Louis Juchereau Duchesnay may by the judgment of this Honorable Court be dismissed with costs.

This 9th day of October, 1826.

(Signed) N. AMIOT,  
Attorney for Defendant.

No. 3.

PROVINCE OF LOWER-CANADA, } IN THE KING'S  
DISTRICT OF QUEBEC. } BENCH.

M. L. J. DUCHESNAY,  
Plaintiff,

vs.

WILLIAM HAMILTON & MARTIN KELLY,  
Defendants.

No. 1376.

Michel Landry, one of the Sworn-Bailiffs of His Majesty's Court of King's Bench of and for the District of Quebec, hereby certifies on his oath of office, that on the 28th day of February instant, before

eight o'clock in the evening, at Quebec, he personally served the original judgment hereunto annexed on William Hamilton, one of the defendants in this cause, by then and there delivering to him a true copy thereof, and then and there exhibiting to him the original of the said judgment.

Quebec, 28th Februray, 1827.

(Signed) M. LANDRY,  
B. K. B.

PROVINCE OF LOWER-CANADA, } IN THE KING'S  
DISTRICT OF QUEBEC. } BENCH.

THE 12TH DAY OF FEBRUARY, 1827.

No. 1376.

Michel Louis Juchereau Duchesnay, Esquire, of the City of Quebec, in the County of Quebec, in the District of Quebec, Seigneur of Fossambault and Gaudarville,  
Plaintiff;

vs.

William Hamilton and Martin Kelly, of the City of Quebec, in the County and District of Quebec aforesaid, Traders,  
Defendants.

The Court having before it the written and oral evidence fyled of record in this cause, and having heard the parties finally upon the merits of the present action, and on the whole maturely deliberated, considering that the Plaintiff hath discontinued his action as against Martin Kelly, one of the defendants, condemns William Hamilton, the other of the defendants, to execute and pass in favor of the said plaintiff a declaration in due form before a Notary, to be agreed upon by the parties, at the office of the Prothonotary of this Court, within fifteen days from the service of the present judgment, or in default after the expiration of the said period to be named by the Court, which declaration shall contain;—1st. A specification of the title by virtue whereof the said defendant hath become proprietor of the lot of land and habitations designated in the declaration fyled in this cause;—2ndly. A description of the said lot of land by its present metes and boundaries, and also an exact statement of its measure and contents;—3rdly. An acknowledgment of the *cens et rentes* and other Seigniorial and conventional obligations and dues wherewith the said land is charged in favor of the said plaintiff as Seigneur of Fossambault, mentioning also the time and place when and where the said obligation and dues are to be performed and rendered; and the Court also condemns the said William Hamilton to pay to the said plaintiff the arrears of the said *cens et rentes*, at the rate of four pence currency, per annum, for each superficial arpent of the said land and habitation, and also the arrears of all other Seigniorial dues with which the said land is charged; and the Court also condemns the said defendant to pay to the plaintiff the sum of five shillings currency, for damages, and the costs of the present action.

(Signed) PERRAULT & BURROUGHS,  
P. B. R.

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No. 111.

11th October.

*Proceedings and Judgment in the Court of King's Bench, Montreal, in the case of Sir J. Johnson vs. Hutchins.*

PROVINCE  
OF  
LOWER CANADA. }

IN THE KING'S BENCH.

SIR JOHN JOHNSON,  
Plaintiff;

vs.

JOHN S. HUTCHINS,  
Defendant.

An action brought by the Plaintiff, as Seigneur of the Seignior of Argenteuil, against the Defendant for *lods et ventes* on two certain lots of land, situate in the said Seignior, namely "two lots of land on the north side of North River, containing one hundred superficial acres each, bounded in front by the said North River, in the rear by ungranted lands, on the east side by Phineas Hutchins, and on the west side by the representatives of Dudley Stone."

To this action the Defendant pleaded that on the 3rd December, 1796, by a certain deed of sale or instrument in writing duly made and executed before Lukin and Delisle, Public Notaries, and bearing date the same day and year, Patrick Murray, Esquire, the then Seigneur of the Seignior of Argenteuil, did give, grant and concede to one Jedediah Lane, Junior, his heirs and assigns, the above described lots of land, and that the said Patrick Murray did, in and by the said deed of sale or instrument in writing, resign, give up, quit and release to the said Jedediah Lane, his heirs and assigns for ever, all the right and pretension which he might have, as to any mutation or alienation fine, under the description of *lods et ventes*, *retrait* or otherwise, and also the toll commonly called *banalité*, and in general every other right and pretension as Seigneur over his *terre tenant*, except the quit rent therein reserved, to have and to hold the above granted and described premises, with the appurtenances, rights and privileges, unto the said Jedediah Lane, his heirs and assigns, for their own proper use, benefit and behoof for ever, and the said grant or conveyance of the said tract or parcels of lands, mentioned or described in the said deed of sale or instrument, was made in consideration of the sum of fifteen hundred Spanish silver dollars, which the said Jedediah Lane paid to the said Patrick Murray before the execution of the said deed of sale, and also for and in consideration of an annual quit rent of one half penny for every forty acres of land contained in the said deed of sale, which the said Jedediah Lane, for himself, his heirs and assigns, did in and by the said deed of sale, covenant, promise and agree to pay to the said Patrick Murray, on the eleventh day of November of every year, at the Manor or Seigniorial House of the Seignior of Argenteuil; and the said Defendant averred that the said two lots or tracts of land, mentioned in the declaration of the said Plaintiff, had been regularly transferred, conveyed and made over to him the said Defendant, and that he the said Defendant held the same under and by virtue of the said deed of sale or instrument in writing from the said Patrick Murray to the said Jedediah Lane, with all the privileges and exemptions therein mentioned contained and set forth; and that the same was not liable to the payment of any *lods et ventes* or *cens et rentes*, or any rent whatever other than the said quit rent of one half

penny for every forty acres of land, and lastly that he the Defendant had always been ready and willing to pay to the said Plaintiff the said quit rent of one half penny for every forty acres of land, on the said two lots of land mentioned and described in the declaration of the said Plaintiff, and had repeatedly offered and tendered the same to the said Plaintiff.

The Plaintiff replied that the said instrument mentioned in the said plea of the said Defendant was null and void, the said Patrick Murray, Esquire, as Seigneur as aforesaid, having no power, and being wholly incompetent by law to make and enter into the said deed of sale, that he the said Patrick Murray, as Seigneur as aforesaid, could not dispose of, or divest himself of any part of the said Seignior of Argenteuil, in an uncultivated state (*en bois debout*) for any sum or sums of money, being bound by the laws of the Country, to grant and concede the same for an annual ground rent (*à titre de cens et rentes Seigneuriales*), and for the ordinary and usual Seigniorial rights, profits and issues,—that he could not by any act, deed or instrument in writing, change the tenure of the said Seignior or any part or parcel thereof, or resign, give up, quit and release his pretensions as Seigneur of the said Seignior of Argenteuil, to any mutation or alienation fine, under the description of *lods et ventes*, *retrait* or otherwise, or to the toll commonly called *banalité*, or to any other right or pretensions as Seigneur as aforesaid contrary to the positive law of the land.

That even admitting that the said pretended acts, deeds or instruments in writing were legal, valid and binding in law (which the said Plaintiff did not admit, but, on the contrary, wholly denied), he the said Plaintiff ought to have and maintain his action and demand aforesaid, because he said that on the nineteenth day of March, 1807, the said Seignior of Argenteuil was seized and taken in execution by the Sheriff of the District of Montreal, under and by virtue of a writ of execution issued out of the Court of King's Bench at Montreal, at the suit of the said Plaintiff, against the lands and tenements of the said Patrick Murray, Esquire, James Murray, Esquire, and Elizabeth Smith, jointly and severally, as belonging to the said James Murray, including all and every the tracts and parcels of land mentioned and described in the said plea of the said Defendant; which said Seignior was afterwards, on the 21st November, 1807, by the said Sheriff, sold and adjudged to him the said Plaintiff; and the said Plaintiff, without admitting the legality of the said acts, deeds or instruments in writing, or of either of them, averred that the said Seignior of Argenteuil having been sold (*décrotée*) by the said Sheriff, including all and every the tracts and parcels of land mentioned and described in the said acts, deeds or instruments in writing, and in the said plea of the said Defendant, with the right of *cens et rentes*, *lods et ventes*, *retrait*, reversions, and all other Seigniorial rights and dues whatsoever, in, upon, and out of all and singular the lands, tenements and hereditaments therein granted, sold or conceded, without exception or reserve, had cleared and done away (*purgé*) every right, claim, demand, mortgage or exemption which the said Defendant or any other person might or could have claimed, under and by virtue of the said acts, deeds, or instruments in writing, and particularly the said deed of sale or instrument in writing of the said Patrick Murray, Esquire, to the said Jedediah Lane, Junior.

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Monday, the twentieth day of April, 1818.

Present :

The Honorable Chief Justice MONK,  
" " Mr. Justice REID.  
No.SIR JOHN JOHNSON,  
Plaintiff.  
vs.JOHN S. HUTCHINS,  
Defendant.

The Court having finally heard the parties by their Counsel upon the evidence and titles produced, and in consequence of the interlocutory of the eighteenth of October, one thousand eight hundred and sixteen, it is considered that the said Plaintiff do recover from the Defendant the *cens et rentes*, at the rate of three bushels of wheat and five shillings in money, for every ninety superficial acres due upon the lot of land held by the Defendant, as his property, in the Seignior of Argenteuil, and described in the title exhibited by the said Defendant, as making altogether "one hundred and ninety-six acres, two quarters and twenty-six rods supercial measure, bounded in front by "the North River and in the rear by unconceded lands;"—to wit: The sum of fourteen pounds eight shillings for arrears of the said *cens et rentes*, on the said lots of land, from the twenty-first day of November, one thousand eight hundred and seven, the day of the sale and adjudication of the Seignior of Argenteuil to the Plaintiff, by the Sheriff, and also that the Plaintiff do recover from the said Defendant, the sum of three shillings and two pence half a penny, the fine imposed by Law for the non-exhibition of his titles to the said Plaintiff as his Seignior, the whole with costs.

(True copy.)

(Signed) MONK & MORROGH,  
Prothy.

No. 112.

Judgment Court of Appeals, Sir J. Johnson vs.  
Hutchins.PROVINCE OF } COURT OF APPEALS.  
LOWER CANADA. }

THE 20TH JANUARY, 1821.

JOHN S. HUTCHINS,  
Appellant;  
andSIR JOHN JOHNSON, Baronet,  
Respondent.

The parties by their Counsel having been heard, it is by this Court considered and adjudged, that the Judgment of the Court of King's Bench for the District of Montreal in this cause, of the twentieth day of April in the year one thousand eight hundred and eighteen, be and the same is hereby reversed in so far as the same relates to the *rente* therein mentioned, at the rate of three bushels of wheat, and five shillings in money for every ninety superficial acres of land, and thereupon by this Court, it is further considered and adjudged, that the annual quit rent of one half penny for every forty acres of land contained in the deed or instrument of writing, made and executed before Lukin and Delisle, Public Notaries, on the third day of De-

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ember, in the year of our Lord, one thousand seven hundred and ninety-six, by and between Patrick Murray, then Seignior of the Seignior of Argenteuil, and Jedediah Lane, Junior, was and is by Law *cens*, and as such, a recognition that the said land was and is held *en roture* of the Seignior of the said Seignior of Argenteuil for the time being according to Law; and in consequence thereof, it is by the consideration of this Court, adjudged that the Appellant in this action do pay to the Respondent therein one shilling, being the *cens* so due upon the lot of land held by the said Appellant and in the declaration in this cause fyled described, and thereon accrued between the twenty-first day of November, one thousand eight hundred and seven, and the sixteenth day of January, one thousand eight hundred and thirteen, with the further sum of four pounds two shillings and six pence, being the amount of *lods et ventes* due and owing to the said Respondent by the said Appellant upon his the said Appellant's acquisition of the said lot of land by deed passed before Lukin and Desautel, Notaries Public, on the third day of June, one thousand eight hundred and thirteen, with costs as well of this Court as of the Court below, reserving to the said Respondent, all other his lawful recourse for any other *lods et ventes* or other Seigniorial rights which may legally be due and owing by the said Appellant to the said Respondent for or by reason of his said acquisition of the said lot of land, or be legally due or owing or charged upon the said lot of land in any way whatever.

And it is ordered that the record be remitted to the Court below.

By the Court,

" True copy of a copy,"

(Signed) MONK & MORROGH,  
Prothy.

No. 113.

Judgment of the Court of King's Bench, Montreal,  
in case of McCallum vs. Grey.PROVINCE OF LOWER CANADA, } COURT OF  
DISTRICT OF MONTREAL, } KING'S BENCH.Friday, the eighteenth day of April, one thousand eight  
hundred and twenty-eight.

Present :

The Honorable CHIEF JUSTICE REID,  
" " MR. JUSTICE FOUCHER,  
" " MR. JUSTICE UNIACKE.JAMES MCCALLUM, of the City of Quebec, in the  
District of Quebec, in the Province of Lower Canada,  
Esquire,

Plaintiff,

vs.

WILLIAM GREY, of the Seignior of St. James,  
heretofore part of the Township of Sherrington, in the  
District of Montreal, Yeoman,

Defendant,

and

JANET MCCALLUM, of the City of Quebec, Widow  
of the late James McCallum, deceased, and others,Plaintiff, by *Reprise d'Instance*.

The Court having heard the parties by their Counsel,

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examined the proceedings and the evidence by them respectively adduced, and it appearing to this Court that the Defendant, William Grey, had been by the late James McCallum, heretofore the Plaintiff in this cause, solicited and induced to occupy and possess the lots of land in question, and to cultivate and improve the same, under a promise on the part of the said late James McCallum, that he would give and grant to the said William Grey, and to his heirs, a good and sufficient title and deed of conveyance of the said lot of land, but that the terms and conditions upon which said title and deed of conveyance was to be made and given had not been proposed by the said late James McCallum, nor any stipulation had by and between the parties in regard thereof; and it further appearing that the said William Grey did, in good faith and under such assurance on the part of the said late James McCallum, enter upon and take possession of the said lots of land, and hath from and since the year one thousand eight hundred and nineteen, with the knowledge and consent of the said late James McCallum, held and occupied the same, and hath made considerable improvements thereon; and considering that, by the laws, usages and custom of this Province, and in order to facilitate and encourage the settling and clearing the waste lands held in *Fief* and *Seignior* therein, every subject of His Majesty is entitled to demand and obtain, from every or any *Seignior* holding waste and ungranted lands in his *Seignior*, a lot or concession of a portion of said waste and ungranted lands, to be by every such subject, his heirs and assigns, held and possessed as his and their own proper estate, for ever, upon the condition of cultivating and improving the same, and of paying and allowing to every such *Seignior* the reasonable, usual and ordinary rents, dues, profits and acknowledgments, which, by the feudal tenure in force in this Province, are paid, made and allowed to such *Seigniors* by their tenants or *Censitaires*, for all such or similar lots of land; the said James McCallum, therefore, as *Seignior* of the said *Seignior* of St. James, could not, nor can the Plaintiffs by *Reprise d'Instance*, his legal representatives, maintain the present action to eject and put out the said William Grey from the possession and occupation so by him had and obtained of the said lots of land, but that the said William Grey, under and by virtue of the consent and promise aforesaid of the said late James McCallum, and by the possession and occupation aforesaid of him the said William Grey so had and held, he, the said William Grey, did acquire, and now hath a right to retain and possess the said lots of land in the said *Seignior* of St. James, and to have and obtain from the said Plaintiffs by *Reprise d'Instance*, or other legal representatives of the said late James McCallum, a good and sufficient title and deed of conveyance of the said lot of land to him the said William Grey, his heirs and assigns, on condition of paying and allowing to the said Plaintiffs by *Reprise d'Instance*, or legal representatives of the said late James McCallum, being *Seigniors* and proprietors of the said *Seignior* of St. James, the reasonable, usual and ordinary rents, dues, profits and acknowledgments, which, by law, the said Plaintiffs by *Reprise d'Instance*, or other the legal representatives of the said late James McCallum, as *Seigniors* and proprietors as aforesaid, are or may be entitled to claim, demand and have, as the legal consideration for the said lots of land; and it is therefore considered and adjudged that the present action be dismissed with costs to the said William Grey, saving to the said Plaintiffs by *Reprise d'Instance*, their further recourse as they may be advised.

(True Copy.)

(Signed) MONK &amp; MORROGH, P. K. B.

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4th October.

Proceedings and judgment in the King's Bench,  
Montreal, in case Guichaud vs Jones.

A.

DISTRICT OF }  
MONTREAL. } KING'S BENCH.

June Term, 1828.

HENRIETTE GUICHAUD, et al,  
Plaintiffs;

vs.

JOHN JONES,  
Defendant.

Henriette Guichaud, of the City of Quebec, in the County and District of Quebec, widow of the late Honorable Thomas Dunn, deceased, in his life time of the City of Quebec, Esquire, a Member of His Majesty's Legislative and Executive Councils for the Province of Lower Canada, and one of the Judges of His Majesty's Court of King's Bench for the District of Quebec, in the said Province, as *commune en biens* with the said late Thomas Dunn, and Thomas Dunn and William Dunn, of the said City of Quebec, Esquires, two of the sons of the said Thomas Dunn, issue of his marriage with the said Henriette Guichaud, two of the universal legatees of the said late Thomas Dunn, under and by virtue of his last will and testament and codicils thereto subjoined, and Margaret Bell, of Quebec aforesaid, widow of the late Robert Dunn, deceased, in his life time of Quebec aforesaid, Esquire, tutrix in due form of law appointed to Mary, Henrietta, Margaret and Ann Catherine, her minor daughters, issue of the marriage between her and the said late Robert Dunn, and heiresses at law of the said late Robert Dunn, the said late Robert Dunn being together with the said Thomas Dunn and William Dunn universal legatees of the said late Thomas Dunn under and by virtue of the last will and testament aforesaid, complain of John Jones, of the City of Montreal, in the District of Montreal, Esquire.

For that whereas heretofore, to wit: on the thirty first day of August, which was in the year one thousand seven hundred and ninety six, at Missiskoui Bay, in the said District of Montreal, in and by a certain DEED OF SALE and concession, bearing date the day and year aforesaid, at Missiskoui Bay aforesaid, by and between the said late Thomas Dunn of the one part, and one Brewer Dodge (by the name and description of Brewer Dodge, residing on the said *Seignior* of St. Armand) of the other part, the said late Thomas Dunn, for and in consideration of the sum of twenty pounds current money of the said Province, did give, grant and concede to the said Brewer Dodge, present and accepting thereof for himself and to his heirs or assigns all that half lot or parcel of land lying within the said *Seignior* of Saint Armand, and northward to the line of forty five degrees of north latitude marked forty one E the west end of the said lot on a plan exhibited to the said Brewer Dodge previous to the execution of the said deed, the said lot, piece or parcel of land containing one hundred and five superficial acres.

And the said Brewer Dodge, in consideration of the grant aforesaid, and other the covenants in the said deed of sale set forth and contained, did in and by the said deed of sale, covenant, promise, grant and agree to and with the said late Thomas Dunn, his heirs, executors, administrators and assigns, in consideration of the grant above mentioned, that he the said Brewer

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Dodge, his heirs and assigns, should well and truly pay or cause to be paid to the said late Thomas Dunn, his heirs, executors, administrators and assigns, the said principal sum of twenty pounds, on or before the first day of May, one thousand eight hundred and four, with interest thereon from the first day of May one thousand seven hundred and ninety nine, at the rate of six per cent per annum each year.

And the said Brewer Dodge, for himself, his heirs, executors, administrators and assigns, did, in and by the said deed of sale, covenant, promise and agree to and with the said late Thomas Dunn, his heirs and assigns, that he the said Brewer Dodge, his heirs and assigns, should and would yearly and every year, well and truly pay or cause to be paid to the said late Thomas Dunn, his heirs and assigns, the sum of one shilling lawful money of this Province, for quit rent for the said granted piece or parcel of land, the first payment thereof to be made out the first day of May, one thousand eight hundred, and so to continue annually for ever; and for the better securing the payment of the said principal sum of twenty pounds and interest as aforesaid, together with the said quit rent unto the said Thomas Dunn, his heirs and assigns in manner aforesaid, the said Brewer Dodge did, in and by the said deed of sale, specially charge the said tract, piece or parcel of land hereinbefore mentioned, together with all the buildings and improvements to be made thereon thereafter.

And the said late Thomas Dunn for himself, his heirs and assigns for the consideration above mentioned, and other the considerations in the said deed stipulated on the part of the said Brewer Dodge, did, in and by the said deed resign, give up, quit and release to the said Brewer Dodge, his heirs and assigns for ever, all the rights and pretension, which he the said late Thomas Dunn, had or might have as Seigneur of the *Fief* and Seignior of St. Armand, to any mutation or alienation fine under the description of *lods et ventes* or otherwise, and also to the toll commonly called *banalité*, and in general every other right and pretension as Seigneur over his *terre* tenant, except the said quit-rent of one shilling per annum.

All which in and by the said deed or instrument in writing, executed under the hands and seals of the said parties thereto, and afterwards deposited of record by the said parties, in the office of Chaboillez, Public Notary, to have equal force as if the said deed had been passed by him, whereof the said plaintiffs bring here into Court a notarial copy, reference being thereunto had, will more fully appear.

And the said plaintiffs further say that the said Brewer Dodge, did not on or before the said first day of May, one thousand eight hundred and four, pay or cause to be paid to the said late Thomas Dunn, then living, the said sum of twenty pounds and interest as aforesaid, nor any part thereof, nor did on or after the said first day of May, one thousand eight hundred, pay to the said Thomas Dunn interest each and every year as aforesaid, for the said sum of twenty pounds nor any part thereof; but to pay the same or cause the same to be paid to the said late Thomas Dunn in his life time, or to the said plaintiffs, in their said capacities, since his decease, as well the said Brewer Dodge, as his heirs, executors and assigns have, and each of them hath wholly refused and neglected, and the said sum of twenty pounds with interest for the same from the first day of May, one thousand seven hundred and ninety-nine, remain wholly unpaid to the said plaintiffs in their said qualities and capacities.

And the said plaintiffs further say, that the said Brewer Dodge did not on or before the first day of May,

one thousand eight hundred, nor did nor hath on the first day of May, of each successive year since that day and year, paid the said yearly sum of one shilling for quit rent, in the said deed mentioned, to the said Thomas Dunn in his life time, nor since his decease, to the said plaintiffs in their said capacities, but the said yearly quit rent, for each and every year since the said first day of May, one thousand seven hundred and ninety-nine, amounting in the whole to the sum of one pound nine shillings, remains wholly unpaid to the said plaintiffs in their said capacities.

And the said plaintiffs further say, that the said John Jones doth now hold and possess as proprietor thereof the said tract, piece or parcel of land, in and by the said deed of sale sold, granted and conveyed to the said Brewer Dodge, by the said late Thomas Dunn, and by law and by the said deed of sale specially charged and hypothecated towards and in favor of the said late Thomas Dunn, his heirs and assigns, for the payment of the said sum of twenty pounds and interest as aforesaid, together with the said annual quit rent, that is to say, the west half of lot number forty-one E. in the said Seignior of Saint Armand, bounded as follows, to wit: east by the easterly half of the said lot forty-one E., north by lands in the possession of one George Barnes and the said John Jones, west by lot number thirty E. in the said Seignior, in the possession of the said plaintiffs, and south by lot number forty E. in the possession of the said plaintiffs, whereby and by reason of all which said several premises and by law the said John Jones hath become and now is liable to pay unto the said plaintiffs in their said qualities and capacities, the said sum of twenty pounds, with interest for the same from the first day of May, one thousand seven hundred and ninety-nine, until paid, together with the said quit rent from the said first day of May, one thousand seven hundred and ninety-nine, amounting to the sum of one pound nine shillings, mentioned in the said deed of sale hereinbefore in part recited, unless he choose rather to quit and deliver up the said last mentioned and described tract, piece or parcel of land and premises to be sold in due form of law for the payment of the said sum of money and interest, yet the said John Jones hath hitherto (although thereunto often requested) always refused and still refuses to pay the said sums of money with the said interest and costs, or to quit and deliver up the said tract, piece or parcel of land and premises last above described to be sold as aforesaid.

Wherefore, the said Plaintiffs, in their said qualities and capacities, pray that the said John Jones, by the process of this Honorable Court be compelled to be and appear in the Court, here on Monday, the second day of June, to answer the premises, and that for the causes aforesaid, by the Judgment of this Honorable Court, the said tract, piece or parcel of land and premises hereinbefore last described, possessed by the said John Jones as aforesaid, may be declared to be liable and hypothecated (*hypothéqué*) for the payment of the said sums of money and interest, and that the said John Jones, may then and there be adjudged and condemned, as *détenteur*, of the said piece or parcel of land and premises last above described, to pay to the said Plaintiffs, in their said qualities and capacities, the said sum of twenty pounds with interest as aforesaid from the first day of May, one thousand seven hundred and ninety nine, together with the said quit rent from the said first day of May, one thousand seven hundred and ninety nine, amounting to the sum of one pound nine shillings, till paid, unless he the said John Jones choose rather to quit and deliver up (*délaisser*) the said last mentioned tract, piece or parcel of land and premises to be sold in due form of law, in the possession of the curator who shall be appointed to the *délaissement*, to the highest and best bidder, to the end that out of the price

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or purchase money and the proceeds of the sale of the said last mentioned piece or parcel of land and premises they the said Plaintiffs, in their said qualities and capacities, may be paid and satisfied the said principal sum and interest and costs of this suit, or part thereof according to the sufficiency of the price, purchase money or proceeds; and further that in default of the said John Jones quitting and delivering up the said piece or parcel of land and premises, last above described within three days, from the day of the judgment in this behalf to be made and rendered in this cause, he the said John Jones shall be held to be liable for the said sum of twenty pounds, with interest for the same from the first day of May, one thousand seven hundred and ninety nine, till paid, together with the said quit rent, amounting to the sum of one pound nine shillings and costs of suit, and that execution do thereupon accordingly issue against the said John Jones for the same; the whole with costs.

Montreal, 12th May, 1828.

(Signed) OGDEN & BUCHANAN,  
For Plaintiffs.

True Copy,

(Signed) MONK & MORROGH,  
Prothy.

B

MONTREAL. } IN THE KING'S BENCH.

HENRIETTE GUICHAUD *et al.*,  
Plaintiffs;

vs.

JOHN JONES,  
Defendant.

And the said Defendant by protestation not admitting, but on the contrary, denying all and every the allegations, matters and things in the Declaration of the said Plaintiffs in this cause filed contained, to be true in manner and form as the same are therein stated and set forth, by the undersigned his Attorney comes and defends, &c., and says that the said Declaration of the said Plaintiffs and the matters therein contained in manner and form as the same are therein stated and set forth, are not sufficient in law for the said Plaintiffs to have and maintain their aforesaid action thereof against him the said Defendant, and that he the said Defendant is not under any necessity, nor bound by law to answer the same, and this he is ready to verify.

Wherefore, the said Defendant prays judgment, and that the said Plaintiffs may be barred from having and maintaining their aforesaid action against him, and that the same may be dismissed with costs.

And the said Defendant not waiving but on the contrary reserving to himself all benefit and advantage to be derived from the demurrer or *défense au fonds en droit* above pleaded to the action and declaration of the said Plaintiffs for Plea nevertheless or peremptory exception to the said action and declaration says: that by reason of any matter or thing in the said declaration alleged the said Plaintiffs ought not to have or maintain their aforesaid action against him, because he says: That by the laws in force in this Province of Lower Canada before and on the thirty first day of August, one thousand seven hundred and ninety six, and which laws are still in force in the said Province,

as well the said late Thomas Dunn, in the declaration of the said Plaintiffs mentioned, as all other persons holding or possessing lands in Seignior and Lordship, à titre de Fief et Seigneurie within the said Province were and are bound to grant and concede the waste and unconceded lands, "terres en bois debout et non concédées" within the limits of their respective Seigniories for and in consideration of an annual quit rent à titre de redevance only without exacting or receiving for or by reason of such grants or concessions any sum or sums of money whatsoever: and that as well the said late Thomas Dunn, as all other proprietors of land in Fief and Seigneurie within the said Province, were and are by the laws then and still in force in the said Province, expressly precluded and prohibited from selling any waste and unconceded lands, terres en bois debout et non concédées, within the limits of their respective Seigniories, or granting or conceding the same on any terms or conditions other than of quit rent, simple redevance, under penalty of the absolute nullity of the contract or contracts of sale, grant or concession of such lands and of the restitution of the price stipulated and also of the lands so sold being re-united (réunis de plein droit) to the Domain of His Majesty subject to the payment by the person or persons so acquiring or holding the same, his or their successors, assigns or other representatives in the possession and occupation of the said lands as proprietors into the hands of His Majesty's Receiver General of his Domain or other proper officer for the time being, of the annual "quit rents" "redevance" only which might or should be stipulated and covenanted on the occasion of such sales, grants or concessions. And the said Defendant doth aver, that at the time of the execution of the act or deed of the thirty first-day of August, one thousand seven hundred and ninety-six, in the declaration of the said Plaintiffs mentioned, the said late Thomas Dunn was the Seignior and proprietor in possession of the Fief and Seigneurie of Saint Armand, in the District of Montreal, and that the lot or parcel of land in the said act or deed, and also in the said declaration mentioned and described was then part and parcel of the waste and unconceded lands "terres en bois debout et non concédées," of the said Seigniorie of Saint Armand. That the said late Thomas Dunn hath nevertheless in and by the said act or deed, of the thirty-first day of August one thousand seven hundred and ninety-six, in the said declaration mentioned and therein partly recited and set forth, in addition to the quit rent (redevance) of two shillings of lawful money of this Province, therein covenanted to be paid to the said Thomas Dunn, his heirs and assigns, hath burdened and subjected the said grant or concession therein contained with and to the payment of the sum of twenty pounds lawful money aforesaid as and for the consideration of the said grant or concession and hath thereby in effect taken upon himself, to sell and dispose of the said lot or parcel of land, and to exact from the said Brewer Dodge in the said act or deed named, his heirs, executors, administrators and assigns, the said sum of twenty pounds, as, and for the consideration of the grant and concession therein contained. By means of all which premises and inasmuch as the said act or deed of the thirty-first day of August one thousand seven hundred and ninety-six, comprehends a sale of the lot or parcel of land therein mentioned, and described for and in consideration of the sum of twenty pounds therein mentioned, the said act or deed is and ought to be held and considered as null and void and of no effect in so far as the same comprehends a sale of the said lot or parcel of land.

And the said Plaintiffs cannot by law demand or receive from the said Defendant, or any other person or persons whomsoever, the said sum of twenty pounds or any part thereof or of the interest thereon, as pretended by them, or have or maintain any action

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whatever for the recovery of the same, founded upon the said act or deed, of the thirty-first day of August, one thousand seven hundred and ninety-six. And the said Defendant further saith that by the operation of the law in that behalf, the said lot or parcel of land is and ought to be held and considered as re-united *réunis* to the Domain of His Majesty, subject to the payment by the said Defendant and all other persons hereafter holding or possessing the same as proprietors into the hands of His Majesty's Receiver General of his Domain, or other proper officer for the time being of the quit rent, *redevance*, covenanted and stipulated in and by the said act or deed of the thirty first day of August, one thousand seven hundred and ninety-six, and this the said Defendant is ready to verify.

Wherefore, the said Defendant prays judgment of the said Plaintiffs, ought to have or maintain their aforesaid action against him, and that the same may be dismissed; and further that the aforesaid act or deed of the thirty-first day of August, one thousand seven hundred and ninety-six, in so far as the same comprehends a sale of the lot or parcel of land therein mentioned and described, may be adjudged and declared to be null and void and of no effect, the whole with costs.

(Signed) W. WALKER,  
for Defendant.

16th June, 1828.

(True Copy.)

(Signed) MONK & MORROGH,  
Prothy.

Montreal—In the King's Bench, April Term, 1830.

No. 891.

HENRIETTE GUICHAUD & *al.*  
Plaintiffs;

*vs.*

JOHN JONES,  
Defendant.

The Plaintiffs, by the undersigned, their Attornies, heroby make the following admissions, and consent that the same be filed in the said cause, as forming full and sufficient proof of the facts hereinafter expressed.

Firstly.—That the Seigniori of Saint Armand, in the declaration of the said Plaintiffs in this cause mentioned, was granted and conceded under Seigniorial Tenure, *à titre de Fief et Seigneurie* by the most Christian King, whilst the Province of Lower Canada was subject to his authority, and previously to the conquest of the said Province by Great Britain.

Secondly.—That by virtue of the said original grant or concession, the said Fief and Seigniori of Saint Armand, from the conquest of the said Province, and until and after the day of the date of the deed specially mentioned and declared on, in the declaration of the said Plaintiffs in this cause fyled, was and continues to be held by Seigniorial Tenure, *à titre de Fief et Seigneurie*, of our Lord the King, according to the laws, usages and customs in force in the said Province before and at the time of the conquest thereof as aforesaid.

Thirdly.—That on the day of the date of the said deed in the declaration of the said Plaintiffs recited and

set forth, the late Honorable Thomas Dunn therein, and also in the said declaration named, was Seignior, proprietor, and in possession of the said *Fief* and Seigniori of Saint Armand.

Fourthly.—That the tract of land mentioned and described as well in the said deed as in the declaration of the said Plaintiffs in this cause fyled, was at the time of the execution thereof waste, uncultivated, and unconceded lands, *terres en bois debout et non concédées*, of the said *Fief* and Seigniori of St. Armand.

(Signed,) OGDEN & BUCHANAN,  
For Plaintiffs.

(True Copy.)

(Signed) MONK & MORROGH,  
Prothonotary.

Montreal, 1st January, 1830.

DISTRICT OF } COURT OF KING'S BENCH.  
MONTREAL. }

Friday, the 18th day of February, 1831.

*Present:*

The Honorable JAMES REID, Chief Justice,  
" " Mr. Justice PYKE,  
" " Mr. Justice ROLLAND.

HENRIETTE GUICHAUD, *et al.*,  
Plaintiffs;

*vs.*

JOHN JONES,  
Defendant.

The Court having heard the parties by their Counsel, and examined the evidence of record in the said cause, and having deliberated thereon, it is adjudged that the lot, piece, or parcel of land mentioned and described in the declaration in this cause, in manner following, to wit:—

All that half lot or parcel of land lying within the Seigniori of St. Armand, and northward to the line of 45 degrees of north latitude, marked 41-E—the west end of the said lot on a plan exhibited to one Brewer Dodge, the first grantee thereof—the said lot, piece or parcel of land containing one hundred and five superficial acres, and bounded as follows, to wit:—East, by the easterly half of the said lot 41-E; North, by the lands in the possession of one George Barnes, and the said Defendant; West by lot number 30, E, in the said Seigniori, possessed by the Plaintiffs; and South, by lot number 40-E, also in possession of the said Plaintiffs, —be, and the same is hereby declared, charged and hypothecated for the payment of the sum of twenty pounds, current money of this Province, being the price of a certain sale, duly executed by and between the said late Thomas Dunn and one Brewer Dodge, before witnesses, the thirty-first day of August, one thousand seven hundred and ninety-six, at Missiskoui Bay, with interest accrued or to grow due on the said sum, from the first day of May, one thousand seven hundred and ninety-nine, till paid, at the rate of six per cent per annum, together with the annual quitrent of one shilling, accrued or to grow due from the first day of May, one thousand seven hundred and ninety-nine, to the first day of May, one thousand eight hundred

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and twenty-eight, amounting to the further sum of one pound and nine shillings, current money aforesaid.

It is therefore considered that the said Plaintiffs, in their said qualities and capacities, do recover from the said Defendant as *détenteur* of the said lot, piece, or parcel of land above described, the said two sums of money, amounting together to the sum of twenty-one pounds nine shillings, with interest on the said sum of twenty pounds, from the said first day of May, 1799, till perfect payment and costs of suits, unless he the said Defendant choose rather to quit and deliver up, abandon (*délaisser*) the said lot, piece or parcel of land, to be sold in due form of law, in the possession of the curator, who shall be appointed to the *délaissement*, to the highest and best bidder, to the end that out of the proceeds of the said sale, they, the said Plaintiffs, in their said qualities and capacities may be paid the said principal sum, interest, quit rent, and the costs of this suit or part thereof, according to the sufficiency of the said proceeds, and that in default of the said Defendant's abandoning the said piece or parcel of land within one month from the service upon him of the present judgment, execution do accordingly issue against him the said Defendant, for the satisfaction of the said judgment.

(True Copy.)

(Signed) MONK & MORROGH,  
Prothonotary.

No. 115.

*Proceedings and Judgment in King's Bench, in case Honorable J. R. Rolland, vs. Jean Baptiste Molleur, the Elder.*

A.

DISTRICT OF } COURT OF KING'S BENCH.  
MONTREAL. }HONORABLE J. R. ROLLAND,  
Plaintiff;

vs.

JEAN BAPTISTE MOLLEUR, the Elder,  
Defendant.

The Honorable Jean Roch Rolland, of Montreal, in the District of Montreal, Esquire, one of the Justices of this Honorable Court, and Seigneur, proprietor and possessor of the Seigniority of Monnoir, in the District of Montreal, Plaintiff, complains of Jean Baptiste Molleur, the Elder, of St. Luc, in the District of Montreal, Yeoman, Defendant.

For that whereas the said Plaintiff is now, and for the last ten years and upwards, has been possessed as proprietor and possessor of the said Seigniority of Monnoir.

And whereas by a certain act of sale and concession in the French language, made and executed before Boudreau, and his colleague, Notaries Public, on the thirty-first day of December, one thousand eight hundred and thirty-two, the said Plaintiffs acting by Joseph Trellé Franchère, Esquire, his duly authorized Agent, sold, conceded and transferred to the said Defendant, thereto present and accepting, and in the said deed described as a yeoman and tavern-keeper, a certain farm situated within the said Seigniority of Monnoir, containing five arpents in front by thirty arpents in depth more or less, bounded in front by the Queen's High Road, in rear by François Hébert and Charles Menard,

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joining on one side to the Seigniorial line, and on the other side to Alphonse Moris, without any buildings, being the numbers one hundred and thirty-one and one hundred and thirty-two, in the third concession of the said Seigniority, also another farm situated in the said Seigniority of Monnoir, containing about five arpents in front by about thirty in depth, more or less, bounded in front by the Queen's High Road, in rear by Julien Allard, Piedalue, Pierre Gladu, Jean Mathe Vincelet, joining on one side to the Seigniorial line, and on the other side to Jean Baptiste Paquet, being the numbers one hundred and forty-six and one hundred and forty-seven, in the fourth concession of the said Seigniority, which said sale and concession was so made subject to the clauses and conditions therein set forth, and amongst other things, for and in consideration, and the said land so conceded was by the said deed of concession charged to and in favor of the Domain of the said Seigniority of Monnoir, with an annual Seigniorial rent of two *sols* ancient currency *de cens*, and eighteen *livres*, said ancient currency, and three bushels of good merchantable wheat for each and every ninety arpents, and so in proportion as a perpetual unredeemable Seigniorial ground rent, due and payable on the first day of March, of each and every year, the first payment whereof to accrue and become due on the first day of March, one thousand eight hundred and thirty-four; and the said Plaintiff doth aver that the said *cens et rentes*, which accrued and became due on the said lots of land for the years one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight, are wholly in arrear and unpaid, and with four *livres* ancient currency, balance due on the *cens et rentes* for the year one thousand eight hundred and thirty-four, amount to the sum of twenty-four pounds, currency, (the said wheat rent being therein included and valued at the first value of wheat at the times and place when the same became due).

And the said Plaintiff doth aver, that the Defendant, although thereto often requested, hath hitherto wholly neglected and refused to pay and satisfy the said sum of money to the Plaintiff.

Wherefore, the Plaintiff brings suit and prays that the said Defendant may be adjudged and condemned to pay and satisfy to the Plaintiff the said sum of twenty-four pounds, currency, with interest and costs of suit.

(Signed) MONDELET & MEREDITH,  
Attorney for Plaintiff.

(True Copy.)

(Signed) MONK & MORROGH,  
Protho.

Montreal, 15th September, 1838.

B.

Montreal.—King's Bench.—October, 1838.

THE HONORABLE J. R. ROLLAND,  
Plaintiff,

vs.

JEAN BAPTISTE MOLLEUR, the elder,  
Defendant,

The Defendant, without admitting the facts as alleged in the Plaintiff's declaration, and avering that he paid to the Plaintiff on the 9th day of March, 1835, fifty-



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six *livres*, old currency, and delivered to him on the tenth day of the same month ten *minots* of wheat,—saith, for peremptory exception to the present action, that the same is unfounded and cannot be maintained for divers reasons to be hereafter set forth in fit time and place, among which reasons the said Defendant now sets forth the following :—

At the time of the passing of the deed mentioned in the declaration fyled in this cause, the said Plaintiff was and had been for a long time Seigneur in possession of the said Seigniorie of Monnoir, in the *censive* whereof the lands mentioned in the declaration are holden.

The said two lots of land before and at the time of the passing of the said deed were wild lands, forming part of the domain of the said Seigniorie, and had never been conceded before that time, to be holden by the payment of *cens et rentes* or other Seigniorial dues, either by the plaintiff or by his predecessors, proprietors and possessors of the said Seigniorie.

By the law of the land, and by the original Grant of the said Seigniorie of Monnoir, the said plaintiff was bound to concede the said two lots of land to such inhabitant or inhabitants of the country as should demand them on condition of paying the Seigniorial dues, and without exacting any sum of money in consideration of such concession; and the rate of *cens* and other Seigniorial dues at which the said plaintiff was bound to concede the said lands, was to be the same as that at which lands were first conceded in this country, (which is the only rate that can be legally recognized in this Province,) or, at least, at the rate at which lands were conceded *en censive* by the Seigniors of this Province before the year 1711, or, at least at the rate at which lands were first conceded in the said Seigniorie of Monnoir by the predecessors of the said plaintiff. The said defendant having applied to the said plaintiff or to his authorized agents for the purpose of obtaining a concession of the said two lots of land, which then formed part of the domain of the said Seigniorie, and having demanded that the same should be conceded to him according to the Law of the land, they were in fact conceded to him *en censive* to be holden by the payment of certain Seigniorial dues, as appears by the said deed, but at an exorbitant and illegal rate exceeding the rate legally established, and consequently subject to be reduced to the said legal rate, to which the defendant appealed and still appeals.

The rate of *cens* and Seigniorial dues, usually called Seigniorial *cens et rentes*, at which by law and by the very terms of the original Grant of the said Seigniorie, the said plaintiff was bound to concede the said two lots of land to the said defendant who had demanded them as aforesaid, ought to be and is, one *sol* for *cens*, and one *franc*, old currency, in money, and one *minot* of wheat for an annual perpetual and irredeemable Seigniorial Ground Rent and no more for each ninety arpents of land conceded.

The defendant is therefore by law entitled to demand that the rate at which the said two lots of land were conceded to him by the deed aforesaid be reduced in conformity to the law of the land to one *sol* for *cens*, and one *franc* old currency, in money, and one *minot* of wheat for an annual perpetual and irredeemable Seigniorial Ground Rent for each ninety arpents of land contained in the said two lots so conceded to the said defendant by the said plaintiff, and this as well with regard to the past as for the future, the excess of the said Rent as mentioned in the said deed being illegal and not being lawfully exigible from the said Defendant.

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The said plaintiff was in like manner bound by the law of the land to concede the said two lots of land to the defendant without exacting from him any sum of money in consideration of such concession, and was expressly forbidden to sell the same in any shape or under any pretext whatsoever, on pain of the nullity of such sale, and also on pain of restoring to the said defendant the sums of money which he has illegally exacted from him as a consideration for the said lands and for the sale thereof; and whereas the said deed produced in this cause by the plaintiff himself and on which his action is founded, and which includes the contract of concession *en censive* of the said two lots of land made as aforesaid to the said defendant by the said plaintiff in his quality of Seigneur of the said Seigniorie, also illegally includes a contract of sale of the said two lots of land unlawfully made by the said plaintiff to the said defendant, in contemplation of the said concession, for the sum of two thousand five hundred *livres*, old currency, which has been paid to the said plaintiff without being lawfully due to him, as appears by the said deed, the said defendant is by law entitled to plead the nullity of the said contract of sale to all legal intents and purposes, which nullity he pleads accordingly, and therefore prays that so much of the said deed as relates to the said sale, so illegally made by the said plaintiff, may be declared null and void and of no effect; and that at the same time the right of the said defendant against the said plaintiff to compel the restitution of the said sum of two thousand five hundred *livres*, old currency, with the interest and accessories thereof, may be saved to him for all intents and purposes of law.

Wherefore, the said defendant prays, that for the reasons and considerations aforesaid, it may by the judgment of the Court be adjudged and declared :—

1st.—That so much of the said deed as relates to the said contract of concession *en censive* of the said two lots of land, made as aforesaid to the said defendant by the said plaintiff, shall be maintained, but that the rate of the *cens* and of the said Seigniorial perpetual and irredeemable ground-rent, mentioned in the said deed, shall be reduced to one *sol* of *cens* and one *franc*, old currency, in money and one *minot* of wheat, yearly, for each ninety arpents of land in the said two lots, and this as well with regard to the past as for the future, the excess of the said rent as mentioned in the said deed being illegal and not being by law exigible by the said plaintiff; saving to the said defendant his recourse against the said plaintiff for what he may have heretofore overpaid on account of the said *cens* and ground-rent.

2ndly.—That so much of the said deed as relates to the contract of sale of the said two lots, so illegally made as aforesaid by the said plaintiff to the said defendant, in contemplation of the concession of the said land, for the said sum of two thousand five hundred *livres*, old currency, shall, as shall also the said sale itself, be held to be null and void and of no effect to all intents and purposes of law, saving to the said defendant such recourse as he may have against the said plaintiff to compel the restitution of the said sum of two thousand five hundred *livres*, old currency, with the interest and accessories thereof.

The whole with costs against the said Plaintiff.

Montreal, 4th October, 1838.

(Signed) LA FONTAINE & BERTHELOT,  
Attorney for Defendant.

And without waiving the peremptory exception by him pleaded as aforesaid, but on the contrary saving to himself the full benefit thereof, the said defendant for

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*défense au fonds en fait* to the present action, saith, that all the allegations contained in the declaration of the said plaintiff are untrue and unfounded in fact: Wherefore the said defendant prays that the said action may be dismissed with costs.

Montreal, 4th October, 1838.

(Signed) LA FONTAINE & BERTHELOT,  
Attorney for Defendant.

And the said Jean Baptiste Molleur, the defendant in the demand in chief, becoming Incidental Plaintiff against the said Jean Roch Rolland, the plaintiff in the said demand in chief, and now the Incidental Defendant, saith,

That at the time of the passing of the said deed bearing date the 31st day of December, 1832, mentioned in the declaration of the said plaintiff in chief and passed before Mtre. Boudreau and his colleague, Notaries Public, the said Jean Roch Rolland was, and had then for a long time been, Seigneur in possession of the said Seigniorie of Monnoir in the *censive* whereof the said two lots of land described in the declaration in the demand in chief are holden.

That the said two lots of land before and at the time of the passing of the said deed were wild lands, forming part of the domain of the said Seigniorie, and had never before that time been conceded to be holden by the payment of Seigniorial *cens et rentes*, either by the said Jean Roch Rolland or by any of the preceding proprietors and possessors of the said Seigniorie.

That by the law of the land and by the very terms of the original grant of the said Seigniorie of Monnoir, the said Jean Roch Rolland was bound to concede the said two lots of land to such inhabitant or inhabitants of the country as should demand the same, to be holden by the payment of Seigniorial dues, and without exacting any sum of money in consideration of such concession; and that the rate of *cens* and Seigniorial dues at which the said Jean Roch Rolland was so bound to concede the said lots of land was to be the same as that at which lands were first conceded *en censive* in this country, which is the only rate recognized as legal in the Province, or, at least, at the rate at which lands were conceded *en censive* by the Seigniors of the Province before the year 1711, or at least, at the rate at which the first concessions were made in the said Seigniorie of Monnoir, by those who preceded the said Jean Roch Rolland as the Seigniors thereof.

That the said incidental plaintiff applied to the said incidental defendant, or to his duly authorized agents for the purpose of obtaining a concession of the said two lots of land which then formed (as aforesaid) part of the domain of the said Seigniorie, and having demanded that they should be conceded to him in conformity to the law of the land, they were in fact conceded to him *en censive* to be holden by the payment of certain Seigniorial dues, by Joseph Trofflé Franchère, the Agent thereunto duly authorized and appointed by the said incidental defendant, as appears by the declaration of the said incidental defendant, and also by the deed aforesaid, but at an exorbitant and illegal rate exceeding the legal rate of the country and consequently subject to be reduced to the said legal rate, to which the said incidental plaintiff appealed and still appeals.

That the rate of *cens* and Seigniorial dues, commonly called Seigniorial *cens et rentes*, at which by

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law and by the very terms of the original grant of the said Seigniorie the said incidental defendant was bound to concede the said two lots of land to the said incidental plaintiff who had demanded them as aforesaid, was and is one *sol* for *cens* and one *franc*, old currency, in money, and one *minot* of wheat for an annual Seigniorial perpetual, and irredeemable ground rent, and no more, for each ninety arpents of land conceded.

That the said incidental plaintiff is therefore entitled by law to demand that the rate at which the said two lots of land were conceded to him be reduced, according to the law of the land, to one *sol* for *cens*, and one *franc* old currency, and a *minot* of wheat for an annual, Seigniorial perpetual and irredeemable ground rent for each ninety arpents of land in the two lots of land so conceded to the said incidental plaintiff, and this as well with regard to the past as for the future, the excess of the said *cens* and of the said rent as stipulated in the said deed being illegal and not being lawfully exigible by the said incidental defendant.

That the said incidental plaintiff is therefore by law entitled to demand and recover from the said incidental defendant the excess which he has so paid him on the said *cens* and the said Seigniorial rent for the year one thousand eight hundred and thirty-four, the said excess forming the sum of four pounds and ten pence of the present currency.

That the said incidental defendant was in like manner bound by the law of the land to concede the said two lots of land to the said incidental plaintiff without exacting from him any sum of money in consideration of the concession thereof, and that he was expressly forbidden to sell them to the said incidental plaintiff or to any other party, in any shape or under any pretext whatsoever, on pain of the nullity of such sale, and also on pain of making restitution to the said incidental plaintiff of the sums of money he has so illegally exacted from him as a consideration for the said lands and for the sale thereof; and that, whereas the said deed, bearing date the thirty-first day of December, one thousand eight hundred and thirty-two, produced in this cause by the said incidental defendant himself and upon which his said action is founded, and which includes the contract of concession *en censive* of the said two lots of land as aforesaid, to the incidental plaintiff, by the incidental defendant in his quality of Seigneur of the said Seigniorie, illegally includes at the same time a contract of sale of the said two lands, unlawfully made by the said incidental defendant to the said incidental plaintiff, in contemplation of the said concession, for the sum of two thousand five hundred *livres*, old currency, which has been paid to the said incidental defendant, without cause, and without being due to him, as appears by the said deed, the said incidental plaintiff is by law entitled and has a right to plead the nullity of the said contract of sale to all legal intents and purposes, which nullity he hereby pleads, and is also entitled to claim from the said incidental defendant restitution of the said sum of two thousand five hundred *livres*, old currency, with the interest and accessories thereof, and therefore to demand that so much of the said deed as relates to the said sale so illegally made to him by the said incidental defendant in contemplation of the said concession be declared null and void and of no effect, and that the said incidental defendant may be held and condemned to restore and pay to him the said sum of two thousand five hundred *livres*, old currency, equal to the sum of one hundred and four pounds, three shillings and four pence of the present currency, with interest thereon from the said thirty-first day of December, one thousand eight hundred and thirty-two.

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Wherefore the said incidental plaintiff, for the reasons and considerations aforesaid, prays—

1stly. That, by the judgment of the Court it may be declared and adjudged, that so much of the said deed as relates to the contract of concession *en censive* of the said two lots of land, made as aforesaid to the said incidental plaintiff by the said incidental defendant, may be maintained, but that the rate of the *cens* and of the said Seigniorial perpetual and irredeemable ground rent, stipulated in the said deed, may be reduced to one *sol* for *cens*, and one *franc* old currency, and one *minot* of wheat yearly for each ninety arpents contained in the said two lands, and this as well with regard to the past as for the future, the excess of the said *cens* and rent as stipulated in the said deed being illegal, and not being lawfully exigible by the said incidental defendant.

2ndly. That, the said incidental defendant may accordingly by the same judgment be condemned to restore and pay to the said incidental plaintiff the said sum of four pounds and ten pence of the present currency, as the excess of the said *cens* and of the said Seigniorial rent for the year ended on the first day of March, one thousand eight hundred and thirty-four, which the said incidental plaintiff over paid him as aforesaid, with interest thereon from the tenth day of March, one thousand eight hundred and thirty-five.

3rdly.—That by the same judgment it may be declared and adjudged, that so much of the said deed as relates (as aforesaid) to the contract of sale of the said two lots of land, so illegally made by the said incidental defendant to the said incidental plaintiff in contemplation of the said concession, for the said sum of two thousand five hundred *livres*, old currency, equal to the said sum of one hundred and four pounds, three shillings and four pence, of the present currency, shall, as shall also the said sale itself, be held and taken to be null and void and of no effect, to all intents and purposes of law whatsoever.

4thly.—And therefore that by the same judgment, the said incidental defendant may be condemned to pay and satisfy to the said incidental plaintiff the said sum of one hundred and four pounds, three shillings and four pence, present currency, which has been, without cause and without its being due, illegally exacted and received by the said incidental defendant, from the said incidental plaintiff in consideration of the said concession, with the legal interest on the said sum, from the 31st day of December, 1832, until perfect payment: the whole with costs against the said incidental defendant.

(Signed) LA FONTAINE & BERTHELOT,  
Attorney for Incidental Plaintiff.

(True Copy,)

(Signed) MONK & MORROGH,  
P. K. B.

Montreal, 4th October, 1838.

C.

DISTRICT OF } COURT OF KING'S BENCH.  
MONTREAL. }

HON. J. R. ROLLAND, Plaintiff;

vs.

JOHN BTE. MOLLEUR, the Elder,

and

E. CONTRA, Defendants.

And the said Plaintiff protesting that all and every

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the allegations in his declaration in this cause fyled contained are true and founded in fact and sufficient in law to enable him the said Plaintiff to have and maintain the conclusions by him in his said declaration taken, for answer to the plea by the defendant in this cause firstly pleaded, and by him styled "*exception péremptoire*" saith that all the allegations in the said plea or "*exception péremptoire*" contained are false and untrue and unfounded in fact, and are more over insufficient in law to prevent the said Plaintiff from having and maintaining his said action in manner and form as by him brought, or to enable the said defendant to have and maintain the conclusions by him in his said pleading, "*exception péremptoire*," taken.

Wherefore the said Plaintiff prays that the said pleading styled by the defendant "*exception péremptoire*," may be hence dismissed with costs, and further prays as in and by his declaration in this cause he hath already prayed.

(Signed) MONDELET & MEREDITH,  
Attorney for Plaintiff.

Montreal, 31st October, 1838.

And the said Plaintiff without waiver of any thing in the preceding pleading contained, but on the contrary reserving to himself all the benefit and advantage thereof, and by and under the protestation aforesaid for further answer to the said pleading by the defendant in this cause fyled and by him styled, "*exception péremptoire*," that on or about the twelfth day of March, which was in the year of our Lord, one thousand eight hundred and eighteen, by a certain deed of concession in the French language, made and executed before Soupras and his colleague, Notaries Public, the Honorable Sir John Johnson, Esquire, of Montreal, then being and in the said deed of concession described as being Seigneur of the Seignior of Monnoir, to wit, of the Seignior of Monnoir mentioned in the Plaintiff's declaration in this cause fyled, conceded *à titre de cens et rentes foncières et non rachetables*, and subject to the Seigniorial charges and conditions in the said deed of concession set forth, to John Johnson, his son, thereto present and accepting a certain piece of land within the *censive* of the said Seignior of Monnoir, known as the lots numbers one hundred and thirty one and one hundred and thirty two, in the second division of the said Seignior of Monnoir, containing six arpents more or less in front, by thirty arpents more or less in depth, and in the said deed of concession particularly described; the said two lots of land being the same identical lots of land as those designated in the Plaintiff's declaration in this cause fyled under the numbers one hundred and thirty one and one hundred and thirty two, in the third concession of the said Seignior, which piece of land was by the said deed of concession charged with an annual Seigniorial rent, *cens et rentes annuelles, perpétuelles et non rachetables*, of one minot of good merchantable wheat and six *livres* ancient currency in cash, for and in proportion of each thirty superficial arpents, payable on the first day of March of each and every year, under and by virtue of which deed of concession the said John Johnson enjoyed and possessed the said lots numbers one hundred and thirty-one and one hundred and thirty-two, from the day of the date of the said deed of concession until the period that the same was sold by Sheriff's sale as hereinafter mentioned.

And the said Plaintiff doth aver that afterwards, to wit, on or about the sixteenth day of July, one thousand eight hundred and thirty-one, the Honorable Lewis Gagy, then being Sheriff of this District of Montreal, by virtue of a certain writ of execution issued from this Honorable Court, in a suit wherein the said Plaintiff,

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as Seigneur of the Seignior of Monnoir, was therein also Plaintiff, and the said John Johnson was Defendant, the said Honorable Lewis Gagy did seize and take in execution the said lots of land, numbers one hundred and thirty-one and one hundred and thirty-two, and the said Honorable Lewis Gagy having complied with all and every the formalities, matters and things in that behalf by law required on or about the twenty-third day of January, one thousand eight hundred and thirty-two, put up the said lots of land for sale in the usual manner, and the said Plaintiff then and there became the purchaser thereof, as the highest and best bidder, that is to say, of the lot number one hundred and thirty-one, at and for the price of five pounds, currency, and of the said lot number one hundred and thirty-two, at and for the price of four pounds five shillings, currency; the said purchaser, to wit, the said Plaintiff then and there expressly declaring (as appears by the deeds of sale hereinafter in part recited) that he did not intend to re-unite the said lots of land to the said Seignior of Monnoir, of which he was then Seigneur, proprietor and possessor, but to hold the same *en roture*; and by a certain deed of sale made by the said Lewis Gagy, in his said capacity, on the seventh day of February, one thousand eight hundred and thirty-two, he, the said Lewis Gagy, by virtue of the said writ of execution and of his said office, and for and in consideration of the said sum of five pounds, to him paid before the execution of the said deed, and the receipt whereof was thereby acknowledged, bargained, sold and conveyed to the said Honorable Jean Roch Rolland, the said lot number one hundred and thirty-one, with all and every its appurtenances, to be held by the said Honorable Jean Roch Rolland, his heirs and assigns for ever, subject to such rents, duties and services, as the said lot number one hundred and thirty-one was subject to; and by a certain other deed of sale made and executed by the said Honorable Lewis Gagy, acting by the authority of his office and of the writ aforesaid, and for and in consideration of the said sum of four pounds five shillings, currency, before the execution of the said deed, paid to the said Honorable Lewis Gagy, and the receipt thereof was thereby acknowledged, bargained, sold and conveyed to the said Plaintiff, for himself, his heirs and assigns, the said lot number one hundred and thirty-two, with all and every the appurtenances, under and subject to such rents, duties and services, as the said lot was subject to; and under and by virtue of the said two deeds of sale the said Plaintiff enjoyed and possessed the said two lots *en roture*, and not as re-united to the said Seignior of Monnoir, from the day of the date of the said adjudication thereof to him to the period at which he transferred the same to the Defendant, as set forth in the declaration of the Plaintiff in this cause filed.

And the said Plaintiff doth further allege, that on or about the seventeenth day of June, one thousand seven hundred and ninety-seven, the lots of land designated in the Plaintiff's Declaration in this cause filed, as lots numbers one hundred and forty-six and one hundred and forty-seven, in the fourth concession of the said Seignior of Monnoir, were conceded by the said Sir John Johnson, then Seigneur, proprietor and possessor of the said Seignior of Monnoir, to one William Radenhurst, subject to the charges, duties and servitudes in the said deed of concession thereof set forth, and more particularly subject to an annual Seigniorial rent *cens et rentes*, *Seigneuriales*, *perpetuelles*, *annuelles*, *et non rachetables*, two *minots* and a quarter of good merchantable wheat, and one hundred and two *sols* ancient currency, for each and every ninety acres, and so in proportion, payable on the first of March, of each and every year, and that on the first day of March, of the year one thousand eight hundred and twenty-one, the arrears of *cens et rentes* and other Seigniorial dues accrued and owing on the said lots of

land numbers one hundred and forty-six and one hundred and forty-seven, amounted to the sum of sixty-one pounds five shillings and six pence currency, and the said Sir John Johnson, in order to recover the said sum of money so due on the said lots of land, he being then Seigneur in possession of the said Seignior of Monnoir, instituted an action returnable and returned into this Honorable Court on the second day of April, one thousand eight hundred and twenty-one, being number five hundred and seventy-eight, wherein the said Sir John Johnson, in the declaration in the last mentioned cause filed was described, as Sir John Johnson of the City and District of Montreal, Baronet, Seigneur, proprietor and possessor of the Seignior of Monnoir, in the District of Montreal, was plaintiff, and William Radenhurst, of the said City of Montreal, gentleman, was defendant, the said William Radenhurst being then proprietor and possessor, *détenteur actuel et concessionnaire* of the said lots of land numbers one hundred and forty-six, and one hundred and forty-seven, and such proceedings were afterwards had in the said cause that by the judgment therein rendered on the nineteenth day of April, one thousand eight hundred and twenty-one, by this honorable Court, it was declared: that the Court having heard the plaintiff, to wit, the said Sir John Johnson by his Counsel, the defendant, to wit, the said William Radenhurst, in person, and having seen the offer and consent of the said William Radenhurst, whereby he agreed to quit, abandon and give up to the said Sir John Johnson, the lots of land in the said judgment described and mentioned and all his right and interest therein, that the same might be re-united to the domain of the said Seignior of the said Sir John Johnson, on condition that he the said William Radenhurst should be acquitted and discharged from the payment of the sum of sixty one pounds five shillings and six pence, claimed by the said Sir John Johnson, in the said action, as due to him for Seigniorial rights on the said lots of land as stated and set forth in and by the declaration of the said Sir John Johnson, and also from the costs of the present action, to wit, of the said action number 578, and the said Sir John Johnson having accepted the offer so made by the said William Radenhurst, and prayed for the judgment of this Honorable Court thereon, it was by the said judgment of this Honorable Court rendered in the said cause considered and adjudged, that the said lots of land numbers one hundred and forty-six and one hundred and forty-seven, containing the said lots of land the quantity of about one hundred and eighty arpents of land more or less in superficies, which said two farms or lots of land as by the said judgment set forth were, subject to the annual rent or *cens et rentes* of four and one half *minots* of wheat and ten *livres four sols* ancient currency, should be, and the same were thereby re-united to the domain of the said Seignior of the said plaintiff in the said action, and the said Sir John Johnson, plaintiff in the said action, was thereby authorized to enter upon, hold, use and dispose of the said lots of land and of every part thereof as his own freehold and proper estate, and the said William Radenhurst was thereby discharged and acquitted from the demand aforesaid of the said Sir John Johnson, and from all costs incurred by reason thereof; and under and by virtue of the said judgment the said Sir John Johnson entered upon, possessed and enjoyed the two last mentioned lots of land as his own freehold and proper estate, under the said judgment and upon the consideration therein mentioned, whilst he continued to be possessed as proprietor of the said Seignior of Monnoir, and the said lots of land being so united to the domain of the said Seignior, became the property of the said plaintiff as Seigneur thereof on his acquisition of the same with all its appurtenances, and the said plaintiff in this action possessed and enjoyed the same as proprietor thereof and as his own freehold and proper

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estate since he hath been possessed as proprietor thereof, that is to say, for a period of six years and upwards before the time of the sale thereof by him to the defendant, as mentioned in the declaration of the said plaintiff in this cause filed.

And the said Plaintiff doth aver that the costs incurred by the said Sir John Johnson in the said cause number five hundred and seventy eight, against the said William Radenburst, and from which the said William Radenburst was exonerated and discharged as aforesaid amounted to the sum of fifteen pounds currency.

And the said Plaintiff doth also aver that the amount of *cens et rentes* and other Seigniorial arrears due on the said lot of land number one hundred and thirty-one, at the time of the sale thereof by the said Honorable Lewis Gagy as aforesaid, was twenty pounds, which together with the costs incurred by the Seignior of the said Seignior in bringing the same to sale, amounted to the sum of thirty pounds currency, and that the amount of *cens et rentes* and other Seigniorial arrears due on the said lot of land number one hundred and thirty-two, at the time of the said sale thereof by the said Honorable Lewis Gagy as aforesaid, was a like sum of twenty pounds, which together with the costs incurred by the said plaintiff in bringing the same to sale as aforesaid, amounted to the sum of thirty pounds currency.

And the said plaintiff doth moreover allege that while he was possessed of the said lots of land numbers one hundred and thirty-one, and one hundred and thirty-two as aforesaid, that is to say, from the twenty-third day of January, one thousand eight hundred and thirty-two, to the thirty-first day of December, one thousand eight hundred and thirty-two, he expended divers large sums of money in improving the said last mentioned lots of land, and in making and repairing the roads as well those on the said lot of land, as those in the neighbourhood thereof, and which by law had to be made or repaired by the proprietor of the two last mentioned lots of land, and the said plaintiff paid divers public and other dues and assessments wherewith the said two last mentioned lots of land were chargeable and charged amounting in all to a large sum of money, to wit, to the sum of ten pounds, and the said lots numbers one hundred and thirty-one and one hundred and thirty-two, were thereby during the period greatly enhanced in value, to wit, in a sum of money exceeding that last mentioned, and the said plaintiff doth aver that while he and his predecessors (*auteurs*) were possessed of the said lots of land numbers one hundred and forty-six and one hundred and forty-seven, that is to say, from the nineteenth day of April, one thousand eight hundred and twenty-one, to the thirty-first day of December, one thousand eight hundred and thirty-two, they lost the *cens et rentes* which they would have been entitled to receive had the said lots of land remained in the possession of the original or any other *Censitaire*, and they expended divers large sums of money in improving the said two last mentioned lots of land, and in making divers useful ameliorations thereon or therewith connected, and for the advantage thereof, and in making and repairing the roads as well those upon the said two last mentioned lots of land as those in the neighbourhood thereof, and which by law had to be made or repaired by the proprietors of the two last mentioned lots of land, and the said plaintiff paid divers public and other dues wherewith the said two last mentioned lots of land are chargeable and charged, amounting in all to a large sum of money, to wit, to the sum of fifty pounds, and thereby the said two lots of land numbers one hundred and forty-six and one hundred and forty-seven, were during the said period

greatly enhanced in value, to wit, in a sum exceeding that last mentioned.

And the said plaintiff doth moreover aver, that the rate at which the above mentioned lots of land have been conceded by the plaintiff to the defendant, doth not exceed the usual rate at which the land in the immediate neighbourhood of the above mentioned lots have been conceded, for the thirty years and upwards preceding the said concession, nor doth it exceed the rate at which the lands generally throughout the said Seignior and throughout the other Seigniories in this district and neighbourhood, have been conceded for the last thirty years and upwards before they were granted to the defendant in this cause.

And the said plaintiff doth lastly aver, that by reason of the premises aforesaid, and more particularly by reason of the manner in which the said four lots of land became the property of the Seignior of the said Seignior of Monnoir, after they had been conceded as aforesaid, and held *en censive* for many years as aforesaid, and improved and increased in value as aforesaid, the said plaintiff as Seignior of the said Seignior as aforesaid, had a right to sell and dispose of the same as he thought proper, and more particularly in the manner in which the same were transferred to the defendant in this cause as aforesaid.

Wherefore, the said plaintiff prays, that the said peremptory exception may be hence dismissed with costs, persists in the conclusions by him in his said declaration taken, and prays as in and by his said declaration he hath already prayed.

(Signed) MONDELET & MEREDITH.  
Attorney for Plaintiff.

Montreal, 31st October, 1838.

And the said plaintiff without waiver to the pleadings by him already pleaded in this cause, but on the contrary reserving to himself all the benefit and advantage thereof for replication to the *défense au fonds en fait* by the said defendant in this cause filed, saith that all the allegations in his declaration in this cause filed contained are true and founded in fact.

Wherefore the said Plaintiff persists in the conclusions by him in his said declaration, and prays as in and by his declaration in this cause filed he hath already prayed.

(Signed,) MONDELET & MEREDITH,  
For Plaintiff.

Montreal, 31st October, 1838.

And the said Incidental Defendant not admitting, but on the contrary denying that the allegations in the said Incidental demand contained are true, except so far as the same correspond and agree with the said Plaintiff's declaration in the original demand in this cause filed for peremptory exception to the said incidental demand of the said incidental plaintiff in this cause filed, saith that on or about the twelfth day of March, which was in the year of Our Lord one thousand eight hundred and eighteen, by a certain deed of concession in the French language, made and executed before Soupras and his colleague, Notaries Public, the Honorable Sir John Johnson, Esquire, of Montreal, then being, and in the said deed of concession described as being Seignior of the said Seignior of Monnoir,

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to wit, of the Seigniorie of Monnoir mentioned in the Plaintiff's declaration in this cause fyled on the original demand, conceded *à titre de cens et rentes foncières et non rachetables*, and subject to the Seigniorial charges and conditions in the said deed of concession set forth, to John Johnson, his son thereto present, a certain piece of land within the *censive* of the said Seigniorie of Monnoir, known as the lots numbers one hundred and thirty-one and one hundred and thirty-two, in the second division of the said Seigniorie of Monnoir, containing six arpents more or less in front, by thirty arpents more or less in depth, and in the said deed of concession particularly described, the said two lots of land being the same identical lots of land as those mentioned in the incidental demand of the said incidental Plaintiff and designated therein as lots numbers one hundred and thirty-one and one hundred and thirty-two in the third concession of the said Seigniorie, which piece of land was by the said deed of concession charged with an annual Seigniorial rent, *cens et rentes annuelles perpétuelles et non rachetables*, of one minot of good merchantable wheat, and six livres ancient currency per annum, for each thirty arpents of land in superficies, and so in proportion, payable on the first day of March in each and every year, under and by virtue of which deed of concession, the said John Johnson enjoyed and possessed the said lots numbers one hundred and thirty-one and one hundred and thirty-two from the day of the date of the said deed of concession until the period that the same was sold as hereinafter mentioned by Sheriff's sale.

And the said incidental defendant doth aver, that on or about the sixteenth day of July one thousand eight hundred and thirty-one, the Honorable Lewis Gagy being then Sheriff of the District of Montreal, by virtue of a certain writ of execution issued from this Honorable Court, in a suit wherein the said incidental defendant in this cause, as Seignior of the said Seigniorie of Monnoir was therein Plaintiff, and the said John Johnson was Defendant, the said Honorable Lewis Gagy did seize and take in execution the said lots of land numbers one hundred and thirty-one and one hundred and thirty-two, and the said Honorable Lewis Gagy having complied with all and every the formalities, matters and things in that behalf by law required, on or about the twenty third day of January, one thousand eight hundred and thirty-two, put up the said lots of land to sale in the usual manner, and the said incidental defendant then and there became the purchaser thereof, as the highest and best bidder, that is to say, of the lot number one hundred and thirty-one, at and for the price or sum of five pounds currency, and of the said lot number one hundred and thirty-two at and for the price and sum of four pounds five shillings currency, the said incidental defendant then and there expressly declaring (as appears by the deeds of sale hereinafter in part recited) that he did not intend to reunite the said lots of land to the said Seigniorie of Monnoir of which he was then Seignior, proprietor and possessor, but to hold the same *en roture*. And by a certain deed of sale made by the said Lewis Gagy, in his said capacity, on the seventh day of February, one thousand eight hundred and thirty-two, the said Lewis Gagy, by virtue of the said writ of execution and of his said office, and for and in consideration of the said sum of five pounds currency, to him paid before the execution of the said deed, and the receipt whereof was thereby acknowledged, bargained, sold and conveyed to the said Honorable Jean Roch Rolland, the said lot number one hundred and thirty-one, with all and every the appurtenances, to be held by the said Jean Roch Rolland, his heirs and assigns for ever, subject to such rents, duties and services as the said lot number one hundred and thirty-one was subject to.

And by a certain other deed of sale made and executed by the said Honorable Lewis Gagy, acting by the authority of his office and of the writ aforesaid, and for and in consideration of the said sum of four pounds five shillings currency, before the execution of the said deed, paid to the said Honorable Lewis Gagy, and the receipt whereof was thereby acknowledged, bargained, sold and conveyed to the said incidental defendant for himself, his heirs and assigns, the said lot number one hundred and thirty-two, with all and every the appurtenances, under and subject to such rents, duties and services as the said lot was subject to, and under and by virtue of said deeds of sale, the said incidental defendant enjoyed and possessed the said two lots of land *en roture* and not as re-united to the said Seigniorie of Monnoir, from the day of the date of the adjudication thereof to him as aforesaid, to the period at which he transferred the same to the incidental Plaintiff as set forth in the declaration of the Plaintiff in this cause fyled respecting the original demand.

And the said incidental Defendant doth aver, that on or about the seventeenth day of June, one thousand seven hundred and ninety-seven, the lots of land designated in the declaration in this cause fyled in the original demand as lots numbers one hundred and forty-six and one hundred and forty-seven, in the fourth concession of the said Seigniorie of Monnoir, were conceded by the said Sir John Johnson, the then Seignior proprietor and possessor of the said Seigniorie of Monnoir, subject to the duties, charges and servitudes in the deed of concession thereof set forth, and more particularly subject to an annual Seigniorial rent *cens et rentes Seigneuriales perpétuelles, annuelles et non rachetables* of two minots and a quarter of good merchantable wheat, and one hundred and two sols ancient currency, for each and every ninety acres, and so in proportion, payable on the first day of March of each and every year, and that on the first day of March, one thousand eight hundred and twenty-one, the arrears of *cens et rentes* and other Seigniorial dues accrued and owing on the said lots of land, numbers one hundred and forty-six and one hundred and forty-seven, amounted to the sum of fifty-one pounds five shillings and six pence currency; and the said Sir John Johnson, in order to recover the said sum of money so due on the said lots of land, he being then Seignior in possession of the said Seigniorie of Monnoir, instituted an action returnable and returned into this Honorable Court on the second day of April, one thousand eight hundred and twenty-one, being number five hundred and seventy-eight, wherein the said Sir John Johnson, in the declaration in the last mentioned cause fyled, was described as Sir John Johnson, of the city of Montreal, in the district of Montreal, Baronet, Seignior, proprietor and possessor of the said Seigniorie of Monnoir, in the district of Montreal was plaintiff, and William Radenhurst, of the said city of Montreal, gentleman, was defendant, the said William Radenhurst then being proprietor and possessor *détenteur actuel* of the said lots of land, numbers one hundred and forty-six and one hundred and forty-seven, and such proceedings were afterwards had in the said cause, that by the judgment therein rendered on the nineteenth day of April, one thousand eight hundred and twenty-one, by this Honorable Court, it was declared, that the Court having heard the plaintiff, to wit, the said Sir John Johnson, by his Counsel, the defendant, to wit, the said William Radenhurst in person, and having seen the offer and consent of the said William Radenhurst, whereby he agreed to quit, abandon and give up, to the said Sir John Johnson the lots of land in the said judgment described and mentioned, and all his interest and right therein, that the same might be re-united to the domain of the said Seigniorie of the said Sir John Johnson, on condition that he the said Sir John Johnson should

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and would acquit the said William Radenhurst from the payment of the sum of sixty-one pounds five shillings and six pence currency, claimed by the said Sir John Johnson in the said action as due to him for Seigniorial rights on the said lots of land, as stated and set forth in and by the declaration of the said Sir John Johnson, and also from the costs of the said action; and the said Sir John Johnson having accepted the offer so made by the said William Radenhurst, and prayed for the judgment of this Honorable Court rendered in the said cause, considered and adjudged, that the said lots of land numbers one hundred and forty-six and one hundred and forty seven, containing the said lots of land, the quantity of about one hundred and eighty arpents more or less in superficies, which said two farms or lots of land as by the said judgment set forth was subject to an annual rent or *cens et rentes* of four and a half minots of wheat and ten *livres four sols* ancient currency, should be and the same thereby were re-united to the said Seignior of Monnoir. And the said Sir John Johnson, plaintiff in the said action, was thereby authorized to enter upon, hold, use, occupy and possess and dispose of the said lots of land and of every part thereof, as his own freehold and proper estate, and the said William Radenhurst was thereby discharged and acquitted from the demand aforesaid of the said Sir John Johnson, and from all costs incurred by reason thereof, and under and by virtue of the said judgment the said Sir John Johnson entered upon, possessed and enjoyed the two last mentioned lots of land as his own freehold and proper estate under the said judgment, whilst he continued to be possessed as proprietor of the said Seignior of Monnoir, that is to say, until the ninth day of September, one thousand eight hundred and twenty-six, when the said incidental defendant became possessed thereof as having acquired the Seignior.

And the said incidental defendant possessed and enjoyed the same as proprietor thereof, that is to say, for a period of six years and upwards before the time of the sale thereof by him to the incidental plaintiff, as mentioned in the declaration in the original demand in this cause fyled.

And the incidental defendant doth aver, that the costs incurred by the said Sir John Johnson, in the said cause number five hundred and seventy-eight, against the said William Radenhurst, and from which the said William Radenhurst was exonerated and discharged as aforesaid amounted to the sum of fifteen pounds currency.

And the said incidental defendant doth also aver, that the amount of *cens et rentes* and other Seigniorial arrears due on the said lot number one hundred and thirty-one, at the time of the sale thereof by the Honorable Lewis Gagy as aforesaid, together with the costs incurred by the Seignior of the said Seignior in bringing the same to sale, amounted to the sum of thirty pounds currency, and the *cens et rentes* and other Seigniorial arrears due on the said lot of land number one hundred and thirty-two at the time of the sale of the said lot by the said Honorable Lewis Gagy as aforesaid, together with the costs incurred by the said Honorable Jean Roch Rolland in bringing the same to sale as aforesaid, amounted to the sum of thirty pounds currency.

And the said incidental Defendant doth moreover allege, that while he was so possessed of the said lots of land numbers one hundred and thirty-one and one hundred and thirty-two, that is to say, from the twenty-third day of January, one thousand eight hundred and thirty-two, to the thirty-first day of December, one thousand eight hundred and thirty-two, he expended divers large sums of money in improving the said two last mentioned lots of land, and in making and repairing the roads, as well those on the said lot of land as

those in the neighbourhood thereof, and which, by law, had to be made and repaired by the proprietor of the two last mentioned lots of land, and the said incidental defendant paid divers public and other dues and assessments wherewith the said two last mentioned lots of land are chargeable and charged, amounting in all to a large sum of money, to wit, to the sum of ten pounds, and the said two last mentioned lots of land numbers one hundred and thirty-one and one hundred and thirty-two, were thereby, during the said period, greatly enhanced in value, to wit, in a sum of money exceeding that last mentioned.

And the said incidental defendant doth aver, that while he and his predecessors *auteurs* were possessed of the said lots of land numbers one hundred and forty-six and one hundred and forty-seven, that is to say, from the nineteenth day of April, one thousand eight hundred and twenty-one, to the thirty-first day of December, one thousand eight hundred and thirty-two, they lost the *cens et rentes*, which they would have been entitled to receive had the said lots of land remained in the possession of the original or other *Censitaire*; they expended divers large sums of money in improving the said two last mentioned lots of land, and in making divers useful ameliorations thereon and therewith connected, and for the advantage thereof, and in making and repairing the roads, as well those upon the two last mentioned lots of land as those in the neighbourhood thereof, and which, by law, had to be made and repaired by the proprietors of the two last mentioned lots of land, and the said incidental defendant paid divers public and other dues and assessments wherewith the two last mentioned lots of land are charged, amounting in all to a large sum of money, to wit, to a sum exceeding fifty pounds, currency, and thereby the said two last mentioned lots of land numbers one hundred and forty-six and one hundred and forty-seven, were, during the said period, greatly enhanced in value, to wit, in a sum of money exceeding that last mentioned.

And the said incidental defendant doth moreover aver, that the rate at which the above four mentioned lots of land have been conceded by the said incidental defendant to the said incidental plaintiff, doth not exceed the usual rate at which the lands in the immediate neighbourhood of the above mentioned lots have been conceded for the thirty years and upwards preceding the date of the said concession, of the said four lots; nor doth it exceed the rate at which the lands in the other Seigniories in this District and Province, have usually and generally been conceded for the last thirty years and upwards preceding the date of the said concession, by the said incidental defendant to the said incidental plaintiff.

And the said incidental defendant doth moreover and lastly aver that by reason of the premises aforesaid, and more particularly by reason of the manner in which the said four lots of land became the property of the Seignior of the said Seignior of Monnoir after they had been conceded as aforesaid, and held *en censive* for many years aforesaid, and improved and increased in value aforesaid, the said incidental defendant as Seignior of the said Seignior as aforesaid, had a right to sell and dispose of the same as he thought proper, and more particularly in the manner in which the same were transferred to the incidental plaintiff in this cause as aforesaid.

Wherefore the said incidental defendant prays that the said incidental demand may be hence dismissed with costs.

(Signed) MONDELET & MEREDITH,  
Attorney for plaintiff, and incidental defendant.

Montreal, 31st October, 1838.

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And the said incidental defendant without waiver of the preceding peremptory exception by him pleaded to the incidental demand of the said Jean Baptiste Molleur the elder, in this cause fyled, but on the contrary reserving to himself all the benefit and advantage thereof for *défense au fonds en fait*, to the said incidental demand saith, that all the allegations therein contained, except so far as they correspond and agree with the plaintiff's declaration in this cause fyled, are false and untrue and unfounded in fact.

Wherefore the said incidental plaintiff prays, that the said incidental demand may be hence dismissed with costs.

(Signed) MONDELET & MEREDITH,  
Attorney for plaintiff,  
and incidental defendant.

(True copy.)

(Signed) MONK & MORROGH,  
Prothy.

Montreal, 31st October, 1838.

2.

(Translation.)

DISTRICT OF } IN THE KING'S BENCH.  
MONTREAL.

MONDAY, the 15th day of June, 1840.

Present :

The Honorable MR. JUSTICE PYKE,  
" " MR. JUSTICE GALE.

No. 2276.

The Honorable JEAN R. ROLLAND,  
Plaintiff,

vs.

JEAN BAPTISTE MOLLEUR,  
Defendant,  
and

The said JEAN BAPTISTE MOLLEUR,  
Incidental Plaintiff,

vs.

The said Honorable JEAN R. ROLLAND,  
Incidental Defendant.

The Court after having heard the parties by their advocates, as well upon the demand in chief as upon the incidental demand, and examined the record, exhibits, evidence and admissions of the said parties, and having maturely deliberated thereon, rendering judgment in the first place on the demand in chief, condemns the defendant to pay to the plaintiff the sum of twenty-four pounds current money of the Province of Lower Canada, for four years *cens et rentes* due on the lots of land mentioned and described in the declaration in this cause, from the first day of March, one thousand eight hundred and thirty-five, to the first day of March, one thousand eight hundred and thirty-eight, and the balance due on the *cens et rentes* for the year one thousand eight hundred and thirty-four; with interest on the said sum of twenty-four pounds, from the twenty-fifth day of September, one thousand eight hundred and thirty-eight, the day of the service of the writ of summons in this cause, until actual payment, and costs.

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And the Court rendering judgment upon the incidental demand fyled by the said Jean Bte. Molleur, in this cause, hath dismissed and dismisseth the same, with costs.

(True copy.)

(Signed) MONK & MORROGH,  
Prothy.

No. 116.

*Proceedings and Judgment in the King's Bench, Montreal, in the case of Hamilton, et al., versus Lamoureux, and reasons for such Judgment, given by the Honorable Mr. Justice Pyke.*

A

MONTREAL.—KING'S BENCH.

October Term, 1840.

GEORGE BURTON HAMILTON, *et al.*,  
Plaintiffs;

vs.

MICHEL LAMOUREUX,  
Defendant.

George Burton Hamilton, formerly of London, in the County of Middlesex, and now of Clichusford, in the County of Essex, in England, Clerk, William Henry King, of London aforesaid, Esquire, and Edme Henry, of Laprairie, in the district of Montreal, Esquire, executors of the last will and testament, and universal fiduciary legatees of the late Napier Christie Burton, in his life time of London aforesaid, a General in Her Majesty's Forces, plaintiffs; complain of Michel Lamoureux, of the parish Ste. Marguerite de Blairisdie, in the district of Montreal, yeoman, defendant.

For that, whereas, the said late Napier Christie Burton was, at the time of his decease, hereafter mentioned, and for the thirty-five years immediately preceding his decease, Seigneur, proprietor and possessor of the Seigniories of Bloury, Sabrevois, Noyan, DeLéry, Lacolle and Repentigny, in the district of Montreal.

And, whereas, the said late Napier Christie Burton departed this life on or about the first day of January, one thousand eight hundred and thirty-five, having, previously to his decease, made and executed his last will and testament, according to the forms of the Laws of England, on the twentieth day of December, one thousand eight hundred and thirty-four, with a codicil thereto annexed, dated the twenty-third day of December, one thousand eight hundred and thirty-four, to wit, at London aforesaid, where the said testator had his domicile for many years previously to his death, by which last will and testament and codicil the said late Napier Christie Burton, after providing for his funeral expenses, the payment of his debts, and of divers particular legacies, did give and bequeath, among other things in the said will specified, all things and monies due to him in his own right, and all things and sums of money due to him as personal representative and heir-at-law of his late father General Gabriel Christie, Esquire, or otherwise unto the said plaintiffs, the executors of said will, and the survivor of them, and the executors of such survivor, upon the trusts in the said will contained; and the said late Napier Christie Burton, in and by his said last will and testament, and by the said codicil thereto annex-



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ed, gave and bequeathed all his estates and Seigniories situate in the Province of Lower Canada, to the plaintiffs, their heirs and assigns, for the trusts, intents and purposes contained and set forth in the said last will and testament and codicil annexed, and in and by the said will nominated and appointed the said plaintiffs to be the executors thereof, which said last will and testament and codicil were afterwards, to wit, on the ninth day of April, one thousand eight hundred and thirty-five, duly proved in the Prerogative Court of the Archbishop of Canterbury, at London, according to law, of which last will and testament and codicil the plaintiffs bring here into Court a copy, to form part of these presents.

And the said plaintiffs, in their said capacities, say, that they, the said plaintiffs, have taken upon themselves the burden of the execution of the said will and testament and codicil, and have taken possession of all the estates and property of the said late Napier Christie Burton, in pursuance of and for the purposes set forth in the said will and testament, and thereof are now in possession.

And the said plaintiffs, in their said capacities, further aver, that the trusts in the said will mentioned have not yet been fully accomplished, and that they have not yet been able to fulfil the duties which were imposed upon them by the said will, and by the laws of England, where the said will was made, and the said testator had his domicile, the powers granted to the said plaintiffs or executors of the said will continue in full force until all the said trusts are accomplished and the said duties fulfilled.

And whereas the said late General Gabriel Christie, on the seventeenth day of September, one thousand seven hundred and ninety-six and for many years previously and subsequently thereto, was possessed as Seigneur, proprietor and possessor of the Seignior of Dé Lery, in the district of Montreal.

And the said plaintiffs, in their said capacity, aver that the said late Gabriel Christie, by a certain deed of concession in the French language, made and executed before Delisle, and his colleague, Notaries Public, on the seventeenth of September, one thousand seven hundred and ninety-six, granted and conceded à titre de cens et rentes Seigneuriales foncières et non rachetables to Jean Baptiste Bigonnesse dit Beaucaire, of St. Joseph de Chambly, thereto present and accepting, a lot of land situate in the said Seignior of DeLéry, containing two arpents in front by twenty-eight in depth, making half of lot number thirty-six, of the south side of the said Seignior, containing fifty-six arpents of land in superficies, bounded in front, to the north-east, by the diagonal line of division between the Barony of Longueuil and the said Seignior, in depth to the south-west by the second concession, to the south-east by number thirty-five, and to the north-west by the other half of the said lot number thirty-six, to the north-west to the depth of the said concession, to the south-east by the little River Montreal, and by the said deed of concession the said half lot of land was and is charged to and in favour of the *domaine* of the said Seignior of DeLéry, with an annual Seigniorial *rente* of nineteen *livres* twelve *sols tournois*, and also with one *sol tournois* of *cens* for every arpent in front upon the whole depth of the said piece of land so conceded, the whole as an annual Seigniorial rent, *cens et rentes Seigneuriales*, payable on the eleventh day of November, of each and every year, the first payment whereof to become due on the eleventh day of November then next; and it was in and by the said deed of concession agreed that the said Seigniorial rent *cens et rentes* should not be affected by any depreciation in the currency of the country, as is fully set

forth in the said deed of concession, and the said half lot of land was further charged with the *droit de corvée* as explained in the said concession deed, with the right on the part of the Seigneur to exact one Spanish dollar in lieu of the said *droit de corvée* each and every year, the said *droit de corvée*, or Spanish dollar, at the option of the Seigneur, to be for each one hundred and twelve arpents conceded, and so in proportion; and the said Jean Baptiste Bigonnesse dit Beaucaire took possession of the said lot of land, and the said half lot of land is now, and since the date of the said concession deed has been charged with the said annual Seigniorial rent, *cens et rentes*, and said *droit de corvée*, with the right of option touching the said *droit de corvée* on the part of the Seigneur of the said Seignior aforesaid.

And by the said deed of concession, the said Jean Baptiste Bigonnesse dit Beaucaire bound and obliged himself to pay the said annual Seigniorial *cens et rentes* with the said *droit de corvée* to the Seigneur of the said Seignior and to his heirs and assigns in the manner and at the periods aforesaid.

And the said Defendant is now and for more than one year has been possessed as proprietor of the said half lot of land, which is now bounded on one side by Theodore Béchard or representatives, and on the other side by Louis Laberge or representatives.

And the said Plaintiffs, in their said capacity, aver, that on the eleventh day of November, one thousand eight hundred and thirty-four, twenty-nine years' arrears of the said *cens et rentes* and of the said *droit de corvée* had become due and payable on the said half lot of land so possessed by the Defendant for the twenty-nine years next preceeding that time, amounting to one pound one shilling and one penny per annum, in all to the sum of thirty pounds eleven shillings and five pence; the said *droit de corvée* being therein included, and the said Plaintiffs, in their said capacities, claiming in money that part of the said *droit de corvée* which is payable by the Defendant as holder of the said half lot of land containing fifty-six superficial arpents; and the said Plaintiffs, in their said capacities, have a right to demand and have the said sum of thirty pounds eleven shillings and five pence currency, from the said Defendant, as proprietor and possessor *détenteur actuel* of the said piece of land and premises herein mentioned, unless the said Defendant had rather and do abandon and deliver up *délaisser en justice*, the said piece of land and premises so possessed by him, to be sold as hereafter mentioned.

And the said Defendant, although often requested to pay the last mentioned sum of money, hath at all times neglected and refused so to do.

Wherefore, the said Plaintiffs, in their said capacities, bring suit and pray that the said piece of land herein described, possessed by the Defendant, may, by the judgment of this Honorable Court, be declared charged, affected, hypothecated and mortgaged, to and in favour of the said Plaintiffs, in their said capacities, for and with the payment of the said sum of thirty pounds eleven shillings and five pence currency, with interest and costs of suit, and that the Defendant as proprietor and possessor, *détenteur actuel* of the last mentioned piece of land and premises be adjudged and condemned to pay the said sum of thirty pounds eleven shillings and five pence currency, with interest and costs of suit to the said Plaintiffs, in their said capacities, unless the said Defendant had rather and do, within fifteen days from the service upon him of the judgment to be rendered in this cause, abandon and deliver up, *délaisser en justice*, the said last mentioned piece of land and premises in order that it may be sold in due course of

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law, and that from the proceeds of the sale thereof, the said Plaintiffs, in their said capacities, be paid and satisfied the said sum of thirty pounds eleven shillings and five pence currency, with interest and cost of suit, to the payment of which costs, the Plaintiffs, in their said capacities, pray the Defendant be personally condemned should he contest this action, the said Plaintiffs hereby reserving their recourse for the recovery of the arrears of *lods et ventes* due upon the said last mentioned piece of land, the Defendant and his predecessors having at all times neglected to exhibit their title deeds to the said late Napier Christie Burton, and to the Plaintiffs.

(Signed,) W. C. MEREDITH,  
Attorney for Plaintiffs.

(True Copy.)

(Signed) MONK & MORROGH,  
Prothy.

Montreal, 17th July, 1840.

B.

PROVINCE OF } KING'S BENCH, MON-  
LOWER CANADA. } TREAL.

Vacation after February Term, 1841.

GEORGE BURTON HAMILTON & al.,  
Plaintiffs ;

vs.

MICHEL LAMOUREUX,  
Defendant.

And the said defendant for plea to the said action, not admitting the allegations in the said plaintiff's declaration in the said cause syled to be true, by this his *défense au fonds en droit* saith that the allegations, matters and things in the said declaration contained are insufficient in Law to entitle the said Plaintiffs to have and maintain their said action according to the conclusions of their said declaration.

Wherefore he prays that the said action may hence be dismissed with costs.

(Signed) DAY & JOHNSON,  
For Defendant.

Montreal, 1st March, 1841.

And the said defendant without waiver of any matter or thing by him in the said cause heretofore pleaded, not admitting any of the allegations in the said declaration contained to be true, for further plea to the said action, forthwith saith that the said lot of land in the said declaration mentioned and described at the time of the original concession thereof by the then Seigneur and possessor of the said Seignior, was wild and uncultivated land, *terre en bois debout*, and by the Laws, then and still in force in this Province, and by the grant and concession of the said Seignior of DeLéry, the then Seignior and proprietor of the said Seignior of DeLéry, was bound and obliged to concede the said lands to any person or persons inhabitants of the said Province, (*habitants du pays*) who should require and demand the same upon rent *à titre de rédevance*, and without exacting or receiving any sum of

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money for and in consideration of such concession, the said Seigneur and possessor of the said Seignior of DeLéry, being so obliged to concede the said lands at a rate of rent, *taux de cens et de redevances Seigneuriaux*, equal to and not exceeding the rate (*taux*) at and for which wild lands, (*terres en bois debout*) first conceded by the Seigniors *concedées en censive* in this country were so conceded and which then was and still continues to be the only rate (*taux*) of rent, *cens et redevances* known, recognized or allowed by the Laws of this Province.

And the said defendant saith, that the rate and sum of one pound one shilling and one penny currency, per annum, for *cens et rentes*, with which the said plaintiffs allege the said lot of land to be charged to and in favor of the domain of the said Seignior, far exceeds the said lawful rate of rent, *taux de cens et de redevances*, at which the said land ought by law to have been conceded as aforesaid.

And the said defendant further saith, that the charge and imposition of the said last mentioned sum for annual Seigniorial rent, *cens et rente*, upon the concession of the said lot of land then being wild and uncultivated, (*terre en bois debout*) was wrongful and illegal, and null and void, and the same ought to be reduced to the said rate, (*taux*), at, and for which wild lands, (*terre en bois debout*), first conceded by the Seigniors (*concedées en censive*) in this country were so conceded.

And the said defendant saith, that long before the institution of the present action, and before the decease of the said late Napier Christie Burton, there were paid by the said defendant and his predecessors, to him the said Napier Christie Burton, and to his agents acting in that behalf, divers sums of money for *cens et rentes*, far exceeding any sum which he the said Napier Christie Burton, at the time of his decease, was or could be by law and according to the said last mentioned rate entitled to have and receive, by means whereof all right, demand and claim of the said Napier Christie Burton, and the said plaintiffs or his representatives to have or receive any sum of money for arrears of *cens et rentes* accrued to the said domain of the said Seignior, have become and were and are wholly satisfied, discharged and extinguished, all which he is ready to verify, when and where this Honorable Court shall direct.

Wherefore the said defendant prays judgment upon his plea in this behalf, that this Honorable Court will adjudge and declare the imposition and charge of the sum of one pound one shilling and one penny, currency, per annum, for *cens et rentes* upon the said lot of land, to be wrongful and illegal and null and void, and will reduce the same to the said rate (*taux*) at and for which the wild lands (*terres en bois debout*) first conceded by the Seigniors (*concedées en censive*) were so conceded, and will further adjudge and declare that the monies so paid as aforesaid have satisfied, discharged and extinguished all right, demand and claim of the said plaintiffs for arrears of *cens et rentes* upon the said lot of land, and further prays, that the said action may be hence dismissed with costs.

(Signed) DAY & JOHNSON,  
for Defendant.

Montreal, 1st March, 1841.

And the said defendant without waiver of any matter or thing by him in the said cause heretofore pleaded, not admitting any of the allegations in the said declaration contained to be true, for further plea to the said action,

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forthwith saith; that the said lot of land in the said declaration mentioned and described, at the time of the original concession thereof by the then Seigneur and possessor of the said Seignior of De Léry, was wild and uncultivated land, (*terre en bois debout*), and by the laws then and still in force in this Province, and by the title of the grant and concession of the said Seignior of De Léry, the then Seigneur and possessor of the said Seignior of De Léry was bound and obliged to concede the said land to any person or persons, inhabitants of the said Province, (*habitans du pays*) who should require and demand the same, upon *rente à titre de redevance*, and without exacting or receiving any sum of money, for and in consideration of such concession, the said Seigneur and possessor of the said Seignior being so obliged to concede the said land at a rate of rent *taux de cens et de redevances Seigneuriaux*, equal to and not exceeding the rate (*taux*), at and for which the wild lands, (*terres en bois debout*) first conceded in the said Seignior were conceded, and which then was and still continues to be the only rate (*taux*) of rent, *cens et redevance*, with, to or for which, the said land in the said declaration mentioned, could or can by law be charged, affected or liable.

And the said defendant saith, that the rate and sum of one pound one shilling and one penny currency per annum for *cens et rentes*, with which the said plaintiffs allege the said lot of land to be charged to, and in favor of the domain of the said Seignior, far exceeds the said lawful rate of *rente taux de cens et de redevances*, at which the said land ought by law to have been conceded as aforesaid.

And the said defendant further saith that the charge and imposition of the said last mentioned sum, for annual Seigniorial rent *cens et rentes* upon the concession of the said lot of land, then being wild and uncultivated, (*terre en bois debout*), was wrongful and illegal and null and void, and the same ought to be reduced to the said rate (*taux*) at and for which the wild lands (*terres en bois debout*) first conceded in the said Seignior were so conceded.

And the said defendant saith, that long before the institution of the present action, and before the decease of the said late Napier Christie Burton, there were paid by the said defendant and his predecessors to him the said Napier Christie Burton, and to his Agents, acting in that behalf, divers sums of money for *cens et rentes* far exceeding any sum which he the said Napier Christie Burton, at the time of his decease, was or could be by law, according to the said last mentioned rate (*taux*), entitled to have and receive, by means whereof all right, demand and claim of the said Napier Christie Burton, and of the said plaintiffs as his representatives, to have or receive any sum of money for arrears of *cens et rentes* accrued to the said *domaine* of the said Seignior, have become and were and are wholly satisfied, discharged and extinguished. All which he is ready to verify when and where it may be necessary.

Wherefore the said defendant prays judgment upon his plea in this behalf, that this Honorable Court will adjudge and declare the said imposition, and charge of the sum of one pound one shilling and one penny currency, per annum, for *cens et rentes* upon the said lot of land, to be wrongful, unlawful and null and void, and will reduce the same to the said rate (*taux*) at, and for which the said wild lands (*terres en bois debout*), first conceded to the said Seignior, were so conceded, and will further adjudge and declare, that the monies so paid as aforesaid, have satisfied, discharged and extinguished all right, demand and claim of the said plaintiffs for arrears of *cens et rentes* upon the said lot

of land; and the said defendant further prays that the said action may be hence dismissed with costs.

(Signed) DAY & JOHNSON,  
for defendant.

Montreal, 1st March, 1841.

And the said defendant without waiver of any matter or thing by him in the said cause heretofore pleaded, not admitting any of the allegations in the said declaration contained to be true, for further plea to the said action forthwith saith, that the said lot of land in the said declaration mentioned and described, at the time of the original concession thereof, by the then Seigneur and possessor of the said Seignior of De Léry, was wild and uncultivated land (*terre en bois debout*), and that the rate and sum of one pound one shilling and one penny, currency, per annum for *cens et rentes*, with which the said plaintiffs allege the said lot of land to be charged to and in favor of the Domain of the said Seignior, far exceeds the lawful rate of rent *taux de cens et de redevances*, at which the said land ought by law to have been conceded as aforesaid, and that the charge and imposition of the said sum of one pound one shilling and one penny, currency, per annum, for annual Seigniorial rent, *cens et rentes*, upon the said lot of land then being wild and uncultivated, (*terre en bois debout*) as aforesaid, was and is wrongful and illegal and null and void, and the same ought to be reduced to the rate (*taux*) of rent *cens et rente* at which the wild lands (*terres en bois debout*), first conceded *concedées en censive* in this Province were so conceded, or to the rate (*taux*) at which such lands were so conceded *concedées en censive*, before the year one thousand seven hundred and eleven, or to the rate (*taux*) at which such lands were first conceded *concedées en censive* in the said Seignior of De Léry by the then Seigneur thereof.

And the said defendant saith that long before the institution of the present action, and before the decease of the said late Napier Christie Burton, there were paid by the defendant and his predecessors, to him the said Napier Christie Burton, and to his agents acting in that capacity, divers sums of money for *cens et rentes*, far exceeding any sum which he the said Napier Christie Burton, at the time of his decease was or could be by law, and according to the said last mentioned rates (*taux*), or either of them, entitled to have and receive. By means whereof all right, demand and claim of the said Napier Christie Burton, and of the said plaintiffs as his representatives, to have or receive any sum of money for arrears of *cens et rentes* accrued to the said domain of the said Seignior, have become and were and are wholly satisfied, discharged and extinguished. All which he is ready to verify when and where this Honorable Court shall direct.

Wherefore the said defendant prays judgment upon his plea in this behalf, that this Honorable Court will adjudge and declare the imposition, and charge of the sum of one pound one shilling and one penny, currency, per annum, for *cens et rentes* upon the said lot of land to be wrongful, unlawful and null and void, and will reduce the same to the said rate (*taux*) of rent, *cens et rente* at which the wild lands (*terres en bois debout*) first conceded, *concedées en censive* in this Province were so conceded, or to the rate (*taux*) at which such lands were so conceded, *concedées en censive* before the year one thousand seven hundred and eleven, or to the rate (*taux*) at which such lands were first conceded *concedées en censive* in the said Seignior of De Léry, by the then Seigneur thereof, and will further adjudge and declare that all the monies so paid as aforesaid

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have satisfied, discharged and extinguished all right, demand and claim of the said plaintiffs for arrears of *cens et rentes* upon the said lot of land, and the said defendant further prays, that the said action may be hence dismissed with costs.

(Signed) DAY & JOHNSON,  
For Defendant.

Montreal, 1st March, 1841.

And the said defendant, without waiver of any matter or thing by him in the said cause heretofore pleaded, not admitting any of the allegations in said declaration contained to be true, for further plea to the said action forthwith saith, that long before the institution of the present action, and before the decease of the said late Napier Christie Burton, there were paid and satisfied by the said Defendant and his predecessors to the said Napier Christie Burton, and to his Agents in that behalf duly authorized, all lawful *cens et rentes* which the said defendant was bound to pay, or for which the said lot of land, in the said declaration mentioned and described, was, or by law could be, holden, affected or liable to, or in favor of the domain of the said Seigniorship of De Léry; and this he is ready to verify when and where this Honorable Court shall direct.

Wherefore, the said defendant prays judgment upon his plea, in this behalf if the said Plaintiffs ought to have or maintain their said action against him in this behalf, and further prays that the same may be hence dismissed with costs.

(Signed) DAY & JOHNSON,  
For Defendant.

Montreal, 1st March, 1841.

And the said defendant without waiver of any matter or thing, by him in the said cause, heretofore pleaded, not admitting any of the allegations in the declaration of the said plaintiffs, in the said cause filed, to be true, for further plea to the said action, forthwith saith, that the said plaintiffs cannot have or maintain their said action in manner and form as the same hath been instituted against him, because he saith, that, from and since the day of the decease of the said late Napier Christie Burton, to wit, the first day of January, one thousand eight hundred and thirty five, the said plaintiffs have not been at any time, nor are they now possessed of the said Seigniorship in their said capacity as Seignors and proprietors and possessors thereof, or in any other manner whatsoever, but that from and since the said first day of January, one thousand eight hundred and thirty five, the said Seigniorship hath continually been and still is openly held and possessed by one William Plenderleath Christie in his own right, solely, as Seignior proprietor and possessor thereof—which the said defendant is ready to verify when and where this Honorable Court shall direct.

Wherefore, the defendant prays that judgment, if the said plaintiffs ought to have and maintain their said action in manner and form as the same hath been instituted against him, and further prays that the same may be hence dismissed with costs.

(Signed) DAY & JOHNSON,  
For defendant.

Montreal, 1st March, 1841.

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And the said defendant without waiver of any matter or thing by him in the said cause heretofore pleaded for further plea to the said action saith, that he is not indebted in manner and form as the said plaintiffs in their said declaration have complained against him.

Wherefore, the said defendant prays, that the said action may be hence dismissed with costs.

(Signed) DAY & JOHNSON,  
For defendant.

Montreal, 1st March 1841.

(True copy,)

(Signed) MONK & MORROGH,  
Prothy.

C.

DISTRICT OF MONTREAL. } COURT OF KING'S  
BENCH.

GEORGE B. HAMILTON & al.,  
Plaintiffs ;

vs.

MICHEL LAMOUREUX,  
Defendant.

And the said plaintiffs protesting that the allegations in their declaration in this cause fyled, contained, are true, for replication to the *défense au fonds en droit* fyled in this cause by the defendant, say, that the allegations in their said declaration contained are sufficient in law to entitle the said plaintiffs to have and maintain their said action according to the conclusions of their said declaration.

Wherefore, the said plaintiffs pray, that the said *défense au fonds en droit* be hence dismissed with costs, and further pray, as in and by their said declaration they have already prayed.

(Signed) W. C. MEREDITH,  
Attorney for plaintiffs.

Montreal, 2nd March, 1841.

And the said plaintiffs protesting as aforesaid for general answer to the pleadings by the said defendant in this cause secondly, thirdly and fourthly pleaded, say, that the allegations, matters and things in the said pleadings respectively contained are false, untrue and unfounded in fact, and are moreover insufficient in law to enable him the said defendant, to have and maintain the conclusions by him in his said pleading, secondly, thirdly and fourthly pleaded taken, or to prevent the said plaintiffs from having and maintaining the conclusions by them in their said declaration taken.

Wherefore, the said plaintiffs pray, that the said pleadings by the said defendant in this cause secondly, thirdly and fourthly pleaded, be hence dismissed with costs; and further pray, as in and by their said declaration they have already prayed.

(Signed) W. C. MEREDITH,  
Attorney for plaintiffs.

Montreal, 2nd March 1841.

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And the said plaintiffs, protesting as aforesaid, for general answer, to the plea by the said defendant, fifthly pleaded in this cause, saith that the allegations, matters and things in the said plea contained are false, untrue and unfounded in fact.

Wherefore the said plaintiffs pray, that the said plea by the said defendant in this cause fifthly pleaded be hence dismissed with costs, and further pray as in and by their said declaration they have already prayed.

(Signed) W. C. MEREDITH,  
Attorney for Plaintiffs.

Montreal, 2nd March, 1841.

And the said plaintiffs, protesting as aforesaid, for general answer to the plea by the said defendant in this cause sixthly pleaded say, that the allegations, matters and things in the said plea contained are insufficient in law to enable the said defendant to have or maintain the conclusions by him in his said plea in this cause sixthly pleaded, taken, or to prevent the said plaintiffs from having and maintaining the conclusions by them in their said declaration taken.

Wherefore the said plaintiffs pray, that the said plea, by the said defendant sixthly pleaded be hence dismissed with costs, and further pray as in and by their said declaration they have already prayed.

(Signed) W. C. MEREDITH,  
Attorney for Plaintiff.

Montreal, 2nd March 1841.

And the said plaintiffs protesting as aforesaid, for replication to the plea by the said defendant in this cause lastly pleaded say that, the said defendant, is indebted in manner and form as complained against him by the said Plaintiffs in their said declaration.

Wherefore the said plaintiffs persist in the conclusions by them in their said declaration taken.

(Signed) W. C. MEREDITH,  
Attorney for Plaintiffs.

Montreal, 2nd March, 1841.

(True copy.)

(Signed) MONK & MORROGH,  
Prothy.

DISTRICT OF } COURT OF KING'S BENCH.  
MONTREAL. }

Wednesday, the 2nd day of February, 1842.

No. 910.

GEORGE B. HAMILTON & al.,  
Plaintiffs;

vs.

MICHEL LAMOUREUX,  
Defendant.

The Honorable Mr. Justice Pyke, on rendering the judgment in this cause, expressed the opinion of the Court in manner following:—

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This is an hypothecary action brought by the plaintiffs as executors of the last will of the late General Burton, and also as his universal fiduciary legatees to recover from the defendant, twenty-nine years of arrears of *cens et rentes* due upon a half lot of land containing fifty-six arpents in superficies in the Seignior of De Léry, now and for one year and upwards owned and possessed by the defendant, which arrears accrued before the death of General Burton, who at that period first January, one thousand eight hundred and twenty-five, and for thirty-five years preceding was the proprietor and possessor of that Seignior.

And it is alleged in the declaration, that the land in question was on the seventeenth September, one thousand seven hundred and ninety-six, by Notarial deed, conceded by the late General Christie, the then proprietor of the Seignior and predecessor of General Burton, to one J. B. Bigonnesse dit Beauvais, subject to an annual rent of nineteen *livres* twelve *sols tournois*, and also one *sol tournois* for every arpent in front, the same not to be affected by any depreciation in the currency of the country, and also as a *droit de corvée*, and in lieu thereof a spanish dollar for each one hundred and twelve arpents conceded and so in proportion, the whole payable on the eleventh of November of every year, and it is averred that on the eleventh November, eighteen hundred and thirty-four, there had accrued and were due twenty-nine years of the said annual rent, which at £1 1s. 1d. per year, amounted to the sum of £30 11s. 5d., and alleging that the plaintiffs have in their said capacities a right to demand that sum from the defendant, as the proprietor, possessor and *détenteur actuel* of the said land, unless he should prefer to abandon the same *délaissier en justice*, and concluding hypothecarily against the defendant in the usual terms.

Plea 1st.—*Défense au fonds en droit.*

Plea 2nd.—By exception that at the time of the concession of the land in question, it was forest land, and that at that period and since, by the law then and still in force, and by the grant of the Seignior, the Seignior was bound to grant the same upon rent *à titre de redevance*, without exacting any money for such concession, and obliged to concede to the inhabitants at a rate of rent not exceeding that which wild lands first conceded in this country were so conceded and which then was and still continues to be the only rate of rent known or allowed by the laws of this Province.

That the rate in this instance far exceeds the lawful rent at which the land ought to have been conceded, and that the rent so stipulated in the deed of concession was wrongful and illegal, and null and void and ought to be reduced to the rate at which wild lands first conceded in this country were so conceded. And that before the action and the decease of the said General Burton, the defendant and his predecessors, had paid to him divers sums for *cens et rentes* far exceeding any sum to which the Seignior was by the law of the land entitled, whereby all right or claim of General Burton, for any arrears of rent have become and are satisfied and extinguished, all which he was ready to verify, &c. And concluding that the rent demanded be declared wrongful and illegal, null and void, and be reduced to the rate at which wild lands first conceded by the Seigniors were so conceded, and further declared that the monies so paid by the defendant have satisfied and extinguished all right or claim of the plaintiffs for arrears of rent upon the said land, and the plaintiffs' action dismissed with costs.

The second exception (for the most part) is the same as the first, but with this variance, that by law and by his title, the Seignior was bound to concede at

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the same rate at which wild lands first conceded in the said Seignior of De Léry were so conceded, and that the rent demanded far exceeds that which by law could be so charged, and ought to be reduced accordingly; there is the same alteration of payment, and concluding as in the first exception in so far as regards the variance noticed.

The third exception varies from the two preceding in this, that, it is alleged, that the rent demanded exceeds that at which by law it ought to have been conceded, and that it ought to be reduced to the rate at which wild lands first conceded in this Province were so conceded, or at the rate at which they were conceded before the year one thousand seven hundred and eleven, or at the rate at which such lands were first conceded in De Léry, by the then Seignior thereof, payment as again alleged, and the conclusion the same as in the preceding exceptions, except in so far as regards the variance in the rate of rent.

The fourth exception is an allegation of payment of all lawful *cens et rentes*, which defendant was bound to pay, or which by law the land could be holden or liable to pay to the Seignior.

The fifth exception is, that the plaintiffs cannot maintain this action as they have not since the death of General Burton, on the 1st January, 1835, nor are they now possessed of the said Seignior as proprietors thereof; but that the same has been and is possessed by one Wm. Plenderleath Christie in his own right solely, as Seignior and proprietor thereof.

Conclusion—That action be dismissed. The last plea is, not indebted.

The answer and reply to these pleas are general. The parties by consent reserved the hearing *en droit* upon these proceedings until the final hearing of the case, and they have since gone to examination and been heard finally.

Now as to the *défense au fonds en droit*, little has been or indeed could be offered in support of it; the original deed of concession upon which this hypothecary action is based *prima facie* is a valid contract, voluntarily entered into between two parties, though like every other act, liable to be set aside, upon any legal and sufficient ground, not appearing upon the face of it, and which must therefore be specially pleaded and set forth; it is sufficient therefore, that a right of action appears upon the face of the declaration, and the demand substantially set forth, to compel the defendant to answer thereto, and therefore the action cannot be under a *défense au fonds en droit* dismissed, which it could only be where the allegations of the demand are in law insufficient to support the conclusions thereof; we must therefore conclude, that it has been used not from any expectation of success, but to serve should it be found upon sub-consideration capable of being supported, and it is evident that the defendant felt he could not rely thereon as in the subsequent pleas of exception, everything is embodied that the defendant has been able to urge as the real grounds of defence against the action.

Now the second, third and fourth pleas are exceptions of a very peculiar description, and the law invoked therein, would seem to be either unknown or to be of so doubtful a description, as not to admit of its being stated with any certainty, the object of the whole is not to set aside the deed of concession itself, but to reduce the rate of rent therein stipulated to the rate of which it is alleged by law, the land should have been conceded, and at which the Seignior was bound to concede; the law however is so variously

stated in these exceptions, and in a manner so contradictory the one to the other, that it is evident that the defendant has been groping in the dark and scarcely knowing where to turn, in order to find something upon which to resist the plaintiffs' claim for rent as stipulated in the original deed of concession, and it is evident that by invoking laws so much at variance the one with the other, the defendant must have been aware that in truth there was no certain or precise law upon the subject, and that he had not been able to discover any. In the first exception it is alleged, that by law, the Seignior could not claim a higher rent than that at which wild lands were first conceded in the Seigniories of this country. In the second, that by law, the Seignior was bound to concede at the same rate at which wild lands were first conceded in the Seignior of De Léry, in which the land is situated. The third, is that, by law, he is bound to concede at the rate at which wild lands were first conceded in this Province, or at the rate at which they were conceded before the year one thousand seven hundred and eleven, or at which they were first conceded in the Seignior of De Léry. But to crown the whole, and in order that the Court should remain in the state of darkness and uncertainty in which the defendant appears himself to have been, what the rate of rent was originally in this country, what it was in the Seignior of De Léry, or what it was in Canada previous to one thousand seven hundred and eleven, the defendant has not taken upon himself to state, so that it is impossible from any thing set forth in these pleas that the Court can discover, whether the reduction claimed can be awarded or not; there is therefore nothing stated with that certainty which is essential to every pleading to enable the court at once to say, if these facts are proved, the conclusions taken are correct.

But the trouble is, that the defendant found that the rates of rent were so various that it negated the idea at once of any fixed rate established by law, and therefore he thought it most prudent to trust to chance, and what he might be enabled to adduce in evidence, and leave the Court to say or find out what reduction of rent should be made, and thus exercise an arbitrary control and power over a rent which the *Censitaire* had by a solemn act stipulated and agreed to pay, it would require something more than what has been cited of the Law of Canada upon the subject, to justify us in setting aside such a solemn agreement, entered into voluntarily by the *Censitaire*, and that in accordance with the common law of France and common sense also, "*que toujours le cens a été proportionné au véritable produit de la chose accensée,\**" the *Censitaire* paying *secundum facultate bonorum*," and what more reasonable—is the *Censitaire* alone to benefit from the increase in the value of lands, and the Seignior to be excluded from that benefit, or is it right to suppose that in the decrease in the value of money that persons now applying for concessions should have them at the same low rate as the ancient *Censitaire*, for, if so, the modern *Censitaire* would have the advantage in paying much less than those for whose benefit any restriction of the rent was originally intended, as one *livre* in those days was of as much value to the possessor as three in these days. This, however, is an equitable view of the question, but where is the law which authorizes us thus to interfere, we see none, the custom which now prevails of stipulating higher rents than those which were formerly taken in the first settlement of the country, has tacitly sanctioned it, and the Courts of Justice enforced it; nor has there a judgment been cited in which the Courts of this Province have interfered between the Seignior and his *Censi-*

\* HENRI.—*Théorie des matières féodales et censuelles*. Vol. 5. See from page 91 to 121.

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*taire* to set aside the stipulated rent agreed between them, it is not pretended that the *Censitaire* ever claimed the land at a lower rent, he obtained the land that he required, and it is to be presumed from his acquiescence and engagement that he recognized the right to the rent stipulated, and that he paid no more than other applicants for land at that period.

We must therefore leave these rents to be regulated by the agreement of the parties, which once concluded must be binding, and enforced as all other obligations and undertaking; we can make no arbitrary regulations upon the subject, and if any abuse hereafter may be found to exist in matters regarding the Feudal Tenure as modified and now existing in Canada, it is for the Legislature and not the Courts to apply the remedy. Besides, the same question as that raised in this cause was so solemnly determined in the cause of

and again recently in the case of Rolland against Mollieur, in which my brother, Gale, who delivered the judgment of the Court, particularly adverted to the different authorities, again resorted to in this cause, and in a manner so fully and satisfactorily, that renders any further observations, or rather a repetition of those of Mr. Justice Gale, unnecessary; we adhere to the principle of those decisions, until the superior tribunal has convinced us that we are in error, and afforded a better principle whereon to determine.

The fourth exception is, payment of all rent, which the plaintiffs could legally claim, but under this no payment has been proved.

As to the fifth exception, we cannot think the defendant was serious in making it: That the plaintiffs in their qualities of Executors and universal Legatees never were in possession of the Seignior. No, they were not, they do not pretend they were, but the Testator, General Burton, was, whom they represent, and they now sue, as legally and rightfully they may, for a debt which accrued and became due to the Testator, while Seignior, in possession of the Seignior of De Léry.

The proof on the part of the plaintiffs is complete, as regards the quality of the plaintiffs and the possession of the Seignior by General Burton, and of the land in question by the defendant and of its original concession and stipulated rent, as well by documentary evidence, as by admissions. The rests of the evidence which is verbal, accompanied by certain ancient title deeds of concession, amounts to no more than this, that the rate of *cens et rente* is as various as there are Seignior in Canada, and that it would be difficult to point out any two in which the rate is the same, nor search any fixed rate, as in the same Seignior the rates have varied at different periods, though always upon the increase, and there can be little doubt that the rents in the Seigniories were originally of a less nominal value than at present. The policy of the French Government in order to forward the original settlement of this colony is obvious, and may account for many of the decisions of the Courts under that government—but throughout we can discover no precise law, to authorize us to reduce the rent stipulated in a solemn contract between the Seignior and his *Censitaire*, made in good faith and which has now subsisted years, and the policy of the ancient government having been attained, it must now yield to a policy equally beneficial to the public welfare and prosperity, and if we were to consider the ancient decisions as now of any weight, we should be much at a loss which to adopt, as they are as various upon the subject as the rates in different Seigniories may now be, and generally have always been, and indeed were we now arbitrarily to adopt any rule

with regard to the rate of *cens et rente* in the Seigniories, it is almost impossible to conceive the injury, nay, the injustice which must follow in the decreased value of the Seigniories of this country, and the loss which would accrue to the now proprietors thereof who have purchased their Seigniories at very high prices in good faith and in the confidence that the rents established would be enforced, and they be allowed to benefit in common with their *Censitaires* in the natural rise in the value of real property from the advanced and advancing state of improvement of the country and the increase of population and wealth it has acquired, besides the rate of rent stipulated, is that which one half, if not more, of the *Censitaires* of De Léry now pay.

Having no law therefore to authorize us to make the reduction claimed, we must as well upon the common law rule in France, as upon the general principles of Law in regard to all contracts, enforce the stipulations of the original deeds of concession of the land in question; and if the *Censitaires* feel themselves aggrieved and oppressed, let them apply to the Legislature which alone can afford the relief sought for, should the evil complained of be such, as to justify such relief.

D.

(Translation.)

PROVINCE OF } IN THE KING'S BENCH.  
CANADA.

Wednesday, the 2nd February, 1842.

Present:

The Honorable Mr. Justice PYKE,  
" " ROLLAND,  
" " GALE.

No. 910. {	GEORGE BURTON HAMILTON & al., Plaintiffs;	vs.	MICHEL LAMOUREUX, Defendant.

The Court after having heard the parties by their advocates, and having before it the admissions of the defendant, and the *retraxit* of the plaintiffs, and having examined the record and evidence, and on the whole maturely deliberated, adjudges the immoveable property mentioned and described as follows in the declaration of the plaintiffs, that is to say: "The one half of the lot No. 36, on the south side of the Seignior of De Léry, containing fifty six arpents of land in superficies, bounded in front to the north east by the diagonal line of division between the Barony of Longueuil and the said Seignior, in depth to the south west by the second concession, on one side by the lands of Théodore Bécharde or his representatives, and on the other side by those of Louis Laberge, or his representatives," to be charged and hypothecated for the payment of the sum of twenty five pounds six shillings, Halifax currency, with interest on the said sum from the twenty first day of July, one thousand eight hundred and forty; the day of the service of the writ of summons,—the said sum being due for twenty four years of *cens et rentes* and right of *corvée*, due on the eleventh day of November, one thousand eight hundred and thirty four, upon and on account of the said immoveable property; and therefore condemns the defendant, as the possessor and holder of the said immoveable property, to pay to the

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plaintiffs, in their said quality, the sum of twenty five pounds six shillings, currency aforesaid, with the interest thereon until actual payment, and the costs of this action.

Unless, (in so far as relates to the said sum and the interest thereon) the defendant shall choose rather to abandon the said immoveable property in due form, to be sold by *décret* to the highest and last bidder, in the usual course of law, through the curator to be appointed to such abandonment, and to the end that out of the proceeds of such sale the said plaintiffs, in their said quality, may be paid the sum due to them as aforesaid, principal, interest and costs;—of which the defendant shall declare his option within fifteen days after the service of this judgment, failing which, then after the expiration of the said time and by virtue of this judgment, and without any other being requisite, the defendant shall be personally bound to pay the said sum, with the interest, costs, and other accessories;—and by reason of their contestation of the plaintiffs' demand by the said defendant, the Court condemns him personally to pay the costs on the said demand: saving also to the said plaintiffs their right to recover any *lods et ventes* which may be due on the said immoveable property.

(True copy.)

(Signed) MONK & MORROGH.  
Prothonotary.

No. 117.

*Arrêts and Declaration concerning Grants in this Colony.*

“Edict of the King of France,”

21st MARCH, 1663.

## REVOKING GRANTS OF LANDS NOT CLEARED.

The King having caused to be laid before him, in His Council, his Edict, of the present month, whereby His Majesty in consequence of the grant and surrender by the persons interested in the Company of New France, resumed all the rights which had been granted to them by the deceased King, in consequence of the treaty of the twenty-ninth of April, one thousand six hundred and twenty-seven, and His Majesty having been informed, that one of the chief causes of the said country not having become as populous as might be desired, and even that several settlements have been destroyed by the *Iroquois*, is to be found in the grants of large quantities of land, which have been given to all persons inhabiting the said country, who not having ever had, nor having the power of clearing the same, and having established their residence in the midst of the said lands, have by that means been placed at a great distance from each other, and even from obtaining succour from the officers and soldiers of the garrison of Quebec, and other places in the said country, and thus it even happens that in a very great extent of country, what little land there is in the environs of the dwellings of the grantees being cleared, what remains can never become so which requiring a remedy, His Majesty, being in his Council, hath ordained, and doth ordain that, within six months from the date of the publication of this *arrêt*, in the said country, all persons so being inhabitants thereof shall cause the lands designed in their grants to be cleared, in default whereof, at the expiration of that time, His Majesty doth ordain that

all lands remaining uncleared shall be distributed by new grants in His Majesty's name, either to the former or to the new inhabitants thereof, His said Majesty revoking and annulling all grants of the said lands not as yet cleared by those of the said Company. His Majesty doth enjoin and command the Sieurs de Mezy, Governor, the Bishop of *Petrée* and *Robert*, Intendant to the said Country, to see to the punctual execution of this *arrêt*; even to make a distribution of the said uncleared lands and to grant them in the name of His said Majesty. Given in the Council of State, in presence of the King on the twenty-first day of March, one thousand six hundred and sixty-three.

*Arrêt* of the King (4th June, 1675) for reducing the concessions which are too extensive and for making a census.

The King having been informed that all the subjects who have gone from old to new France have obtained grants of a very great quantity of land along the rivers in the said country, which they have been unable to clear by reason of their too great extent which is an inconvenience to the other inhabitants of the said country, and even prevents other Frenchmen from going thither to settle, which is entirely contrary to the intentions of His Majesty as to the said Country, and to the attention he has been pleased to bestow for eight or ten years on the extension of the colonies which are settled therein, inasmuch as a part only of the lands bordering on the rivers is cultivated, the rest not being so, nor admitting of becoming so, by reason of the too great extent of the said grants and a want of means in the proprietors thereof, which requiring a remedy, His Majesty in his Council hath ordained and doth ordain, that by the Sieur Duchesneau, Councilor in his Councils, and Intendant of Justice, Police and Finance in the said Country, there shall be made an accurate statement of the quality of the lands granted to the principal inhabitants of the said country, of the number of arpents (or other measure used in the said country,) which they contain on the borders of the rivers and in the interior of the lands, of the number of persons and cattle, fit for and employed in cultivating and clearing the same, in consequence of which statement one half of the lands which were granted before the ten last years and which are not cleared and cultivated as arable or as meadow land, shall be struck out of the grants and given to such persons as shall come forward to cultivate and clear them. His Majesty ordaineth that such Ordinances as shall be made by the said Sieur Duchesneau shall be executed according to their form and tenor as being supreme and of ultimate resort as decrees of a superior tribunal, His Majesty to that end attributing to him plenary jurisdiction and cognizance. His Majesty thus further ordain, that the said Sieur Duchesneau do give provisionally grants of the lands which shall so have been struck off to new settlers, on condition however that they do completely clear the same within the four next ensuing years, in default whereof at the expiration of the said time, the said grants shall be and remain null. His Majesty enjoineth the Sieur Comte de Frontenac, Governor and Lieutenant General of His Majesty in the said Country, also the officers of the Sovereign Council therein, to see to the execution of this *Arrêt*, which shall be executed, any opposition or hinderance whatever notwithstanding. Given in the King's Council of State, holden in the Camp of Luthing near Namur, on the 4th day of June, 1675.

(Signed)

COIBERT.

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*Arrêt* of the King's Council of State for the re-union of the lands granted by the Gentlemen of the Seminary of Saint Sulpice.

The King in his Council having before him the petition of the Ecclesiastics of the Seminary of Saint Sulpice of Paris, Seigniors of the Isle of Montreal, the land or *Côte Saint Sulpice* in Canada, their appurtenances and dependencies, in which petition they have set forth that, as Seigniors of the said Isle they have made several grants of inheritances upon the charges, renders and dues stated in the said grants, that several of the proprietors of the said conceded settlements having left them uncultivated and abandoned, the Superiors have been obliged, for the preservation of their rights, to have recourse to the first Intendant of New France, in order to obtain permission to resume the same, which hath been granted them by divers Ordinances of the 22nd of June, 1706, 25th May, 1707, 26th May, 1708, and 5th July, 1710, after having laid before the said Intendant certificates in proper form of the abandonment of the said concessions. That the late King having been informed of the negligence of the proprietors of the said concessions, and that the same would prove materially detrimental to the settlement of the Colony, ordained by *arrêt* rendered on the 6th of July, 1711, that within one year from the date of the publication of the *arrêt*, the inhabitants of New France, not residing upon the lands which have been granted to them, should be held to cause the same to be actually settled and brought under cultivation, in default whereof at the expiration of the said term, it is ordained that upon certificates of the Curates and Captains of the *Côte* shewing that the inhabitants have been one year without making actual settlement upon the said lands, and have not brought them under cultivation, they be divested of the property, and the same re-united to the domains of the Seigniors, according to such Ordinances as shall be rendered by the Sieur Begon, Intendant of the said country of New France. That in execution of the said *arrêt*, published in the Town of Montreal, on the twenty-ninth day of January, one thousand seven hundred and thirteen, the petitioners have prayed the Sieur Begon to be admitted to resume more than forty-eight settlements, which appear by the certificates of the Curates and Captains of the *Côtes* to be abandoned and uncultivated, at the foot of which petition the said Intendant hath ordained that the parties shall be summoned. But inasmuch as many of the proprietors of these inheritances are deceased without heirs, that others have been absent many years, and that to compel them to comply with the formalities of proceeding respecting all abandoned and uncultivated concessions would be to render it impossible for them to procure re-union to their Seigniorics, the aforesaid Ecclesiastics of the Seminary of Saint Sulpice have most humbly prayed His Majesty to make known his intentions respecting the *arrêt* of the sixth of July, one thousand seven hundred and eleven and to determine what are the cases in which they may resume the abandoned and uncultivated concessions without other formality than that of presenting the certificates required by the said *arrêt*. And His Majesty taking into consideration that if the said Ecclesiastics were compelled to have recourse to the Intendant of the said country, respecting the said uncultivated or abandoned concessions, they would become exposed to lengthened proceedings by their remoteness from the City of Quebec, where the said Intendant resides, whose stay at Montreal is not long enough for the discussion of such matters, moreover in case of appeal from his Ordinances, the parties interested therein are held to institute them in France. For all which His Majesty being willing to provide, having heard the report,

and having taken the whole into consideration, His Majesty in Council, by the advice of the Duke of Orleans, Regent, hath ordained, and doth ordain, that upon the demands of the Ecclesiastics of the Seminary of St. Sulpice, for the re-union to their Seigniority of the concessions by them made, they shall proceed before the Royal Judges of Montreal, and by appeal to the Superior Council of Quebec for their decree in the premises. Provided, nevertheless, that the said officers shall not take cognizance of Ordinances heretofore rendered by the Intendant of the said country, with respect to which proceedings shall obtain in the usual manner, and according to the terms of the Ordinances, in cases wherein the proprietors of the said concessions or their assigns seek a remedy against them. His Majesty doth nevertheless ordain, that the said Ordinances shall be put in execution according to their form and tenor provisionally, until it be otherwise ordained.

Given in the King's Council of State, in His Majesty's presence, on the fifth day of May, one thousand seven hundred and sixteen.

(Signed) PHELIPPEAUX,  
with Paraph.

15TH MARCH, 1732.

*Arrêt* of the Council of State, enjoining the Seigniors to cause actual settlements to be made on their Seigniorics, and prohibiting their selling uncleared lands.

Extract from the Registers of the Council of State.

The King having caused to be laid before him in his Council the *arrêt* therein rendered on the sixth day of July, one thousand seven hundred and eleven, importing that such inhabitants of New France as having obtained grants of land in Seigniority, had not therein any cleared domain nor inhabitants settled, should be held to bring them into cultivation and to settle inhabitants thereon, within one year from the publication of the *arrêt* aforesaid, after which period they should remain re-united to His Majesty's domain, and that the said Seigniors should also be held to concede to such inhabitants as should demand the same for rent, and without exacting any sum of money, that otherwise such inhabitants should be permitted, in case of refusal after one application, to apply to the Governor, Lieutenant General and Intendant of the said Country for grants of them, with the same dues as are imposed upon other conceded lands, which dues should be paid to the Receiver of His Majesty's domain, without any power to the Seigniors to claim anything upon the lands so granted. Also another *arrêt* of the same sixth day of July, one thousand seven hundred and eleven, importing that the grantees of lands *en roture* should be held to actual settlement thereon, and to bring them into cultivation within one year from the date of the publication, on pain of re-union to the domain of the Seigniors upon the ordinance of the Intendant. His Majesty having also been informed, that contrary to the exigencies of both those *arrêts*, certain Seigniors have reserved to themselves extensive domains within their estates, that they sell tracts of wood land instead of merely conceding them for rents, and that some inhabitants having obtained grants from the Seigniors have sold them to others, who successively sold them again, whereby a traffic, adverse to the good of the Colony, is effected; and it being necessary to remedy such pernicious abuses, His Majesty in Council hath ordained and doth ordain, that within two years from the date of the publication of this *arrêt*, all proprietors of lands in

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Seignior, as yet uncleared, shall be held to bring them into cultivation and settle inhabitants thereon, otherwise after the expiration of that time, the said lands shall be re-united to His Majesty's domain, by virtue of this *arrêt*, without a necessity for any other: His Majesty doth most expressly prohibit all Seigniors and other proprietors from selling any wood land on pain of the nullity of the deeds of sale and restitution of the price of the lands sold, which lands shall in like manner become re-united to His Majesty's domain, and further, both the *arrêts* aforesaid, of the sixth of July, one thousand seven hundred and eleven shall be put in execution according to their form and tenor, and this shall be enrolled in the office of the Superior Council of Quebec, and read and published, wherever it shall be necessary. Given before His Majesty, in His Council of State, holden at Versailles, the fiftenth day of March, one thousand seven hundred and thirty-two.

(Signed) PHELIPPEAUX, with Paraph.

*Declaration of the King concerning grants in the colonies, 17th July, 1743.*

Louis, by the grace of God, King of France and Navarre. To all to whom these presents shall come, Greeting.

We have, after the example of the Kings our ancestors, authorized the Governors and Intendants of our colonies in America, not only themselves to grant the lands which we cause to be distributed to such of our subjects as are willing to settle thereon, but also to proceed to re-unite to our domain such granted lands as are liable to re-union, by not having been brought into cultivation; and they have also cognizance, to the exclusion of the ordinary judges, of all differences arising between the grantees or their assigns, as well as with respect to the validity and execution of the grants, as to their situation, extent, and limits, but we are informed that, up to this time, there hath been scarcely any thing certain, either with respect to the form of proceeding, in cases of the re-union of grants, or of the trial and adjudication of suits between the grantees or their assigns, or with respect to the method to be adopted for obtaining relief against the ordinances rendered by the Governors and Intendants on this matter, so that not only have different customs been introduced in the several colonies, but also in one and the same Colony there have been frequent variations in this respect. In order to put an end to that state of uncertainty, upon matters of such interest to the security and tranquility of families, we have resolved on establishing by express law, fixed and invariable rules to be observed throughout our colonies, both as to form of proceeding to the re-union to our domain of the concessions which are liable to be thereunto re-united, and to the proceedings on the question they may occasion, also to the modes of recourse to be pursued by those who may deem themselves aggrieved by the judgment which may be rendered. For these causes and others, us thereunto moving, with the advice of our Council and of our certain knowledge, full power and royal authority, we have declared and ordained, and by these presents under our sign manual do declare and ordain, and our will and pleasure is as followeth:

Art. 1.—The Governors, our Lieutenant Governors and the Intendants of our colonies, or in default of them, or in their absence from the colonies, the officers representing them shall continue jointly to make grants of land to the inhabitants who apply for them, in order to bring them into cultivation, and shall give them titles on the usual and accustomed terms and conditions.

2.—They shall in like manner proceed to re-unite to our domain the lands which are liable to be re-united

thereto, and this shall be at the diligence of our Attornies, in the ordinary jurisdiction within the limits of whose cognizance the said lands shall be situated.

3.—They shall not grant lands that have once been conceded, although liable to re-union, until after their re-union shall have been adjudged, on pain of nullity of the new concessions, without prejudice nevertheless to the re-union which may always be sued for against the first grantees.

4.—Our Governors, and Lieutenant Governors, and Intendants, or in default of them, or in their absence from the Colonies, the Officers representing them shall also continue to have cognizance, to the exclusion of all other Judges, of all differences arising between the grantees and their assigns, as well as to the validity and execution of the grants, as on the subject of their situations, extent and limits, and in case of their being minors who are party to the said differences, such differences shall be communicated to our Attornies in the ordinary Jurisdictions within which the Governors and Intendants shall reside, in order that they may take their conclusions, in the same manner as if the said differences were instituted in the said Jurisdictions. It is not nevertheless intended to include in this article differences arising on family partitions, of which the Judges of our ordinary Jurisdictions shall continue to have cognizance.

5.—We declare to be null and of none effect all grants which shall not be made by the Governor and Intendant jointly, or by the Officers respectively representing them, as also all re-unions which shall not be pronounced, and all judgments which shall not be rendered in common by them or their representatives. Nevertheless we empower either of them in case of the decease of the other, or of his absence from the Colony, and a defect of Officers capable of representing such as may be dead or absent, to make the grants alone, and even proceed to the re-unions to our domain, and to the adjudication of suits between the grantees, calling nevertheless upon such Officers of the Superior Councils or Jurisdictions as he shall think fit. And he shall be held to make mention as well on the concessions and re-unions, as in the judgments upon private suits, of the necessity in which he may have been so to proceed, on pain of nullity.

6.—In cases in which the Governors and Intendants shall be of different opinions, on applications made to them for grants of land, it is our pleasure that they do suspend the issuing of grants until they receive our orders, upon the statements they shall make to us of their motives, and in cases of a division of opinion between them, whether as to judgments of re-union, or upon differences between proprietors of grants, they shall call in the Senior Member of the Superior Council, or in case of absence or lawful impediment, two Councillors next following him in the order of the list, the whole without prejudice to the preponderance of the vote of the Governors in matters concerning our service, in which it is to obtain.

7.—In matters in which it shall happen that local visitations, and nominations, and reports of experts or inquests are ordered, the enactments in that behalf of the twenty-first and twenty-second titles of the Ordinance of one thousand six hundred and sixty-seven, shall be observed on pain of nullity.

8.—The parties may have their remedy by appeal to our Council from judgments rendered by the Governors and Intendants upon the said private differences and upon re-unions to our domain. The said appeals may be instituted by mere "Acts," and the petitions which shall be presented accordingly, shall together with the paper writings of the parties be

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transmitted to the Secretary of State for the Marine Department, in order that upon his report thereon in our Council, we may do therein as shall be meet.

Wherefore, we enjoin our beloved and faithful the Members of our Superior Council of Canada, that they do cause these presents to be read, published and enrolled, and that the contents thereof they do keep, observe and execute according to their form and tenor, any Edict, Declaration, *Arrêt*, Ordinance, or other thing to the contrary thereof notwithstanding, all such being hereby derogated from. For such is our pleasure. In witness whereof, we have caused our Seal to be herunto set.

Given at Versailles, this seventeenth day of July, in the year of Our Lord one thousand seven hundred and forty-three, and of our Reign the twenty-eighth.

(Signed) LOUIS.  
(Signed) PHELIPPEAUX.

1ST OCTOBER, 1747.

Declaration of the King in interpretation of that of 17th July, 1743, concerning grants of land in the colonies.

Louis, by the grace of God, King of France and Navarre; to all to whom these presents shall come, greeting: By our declaration of the 17th day of July, 1743, we have regulated the form of proceeding whether as to concessions of lands in our French colonies or as to the re-uniting to our domain, of such conceded land as are liable to be re-united thereunto, or as to the trial and adjudication of differences arising between the grantees or their assigns, and by the 8th article of the same declaration, we have ordained that the parties may have their recourse by appeal to our Council against the judgments which shall be rendered by the Governors and Intendants of the said Colonies, on all those matters of which the cognizance devolves upon them to the exclusion of all other judges, that the said appeals may be instituted by mere *Actes* and that the Petitions which shall be presented accordingly, shall be transmitted together with the paper writings of the parties to our Secretary of State for the Marine Department, in order that upon his report to our Council we may do that which shall be meet. But upon the last article, it hath been represented unto us, that by reason of the distant situation of places, it would be expedient for the sake of justice, to render provisionally executory the judgment pronounced by the said Governors and Intendants, and that such new provision would prevent many appeals which are instituted by the parties merely in order to maintain their unjust possession. For these causes and others, as thereunto moving, with the advice of our Council and of our certain knowledge, full power and Royal authority, we have in interpretation of our declaration of the 17th of July, 1743, declared and ordained; and do declare and ordain, and it is our will and pleasure that the judgments which shall be rendered in consequence of our declaration by the Governors, our Lieutenants Generals and the Intendants in our colonies, or by the officers representing them, upon the said matters of which they have the cognizance to the exclusion of all other Judges, shall be provisionally executory, notwithstanding any appeal which may be instituted and without prejudice thereto. We nevertheless leave it at the discretion of the said Governors and Intendants, in the cases in which they shall deem it proper, not to direct the provisional execution of their judgments unless upon good and sufficient security being entered into by the party in whose

favor they shall have been rendered. Our said declaration shall moreover be put in execution according to the form and tenor thereof. Wherefore, we enjoin our beloved and faithful the Members of our Superior Council of Quebec, that they do cause these presents to be read, published and enrolled, and the contents of the same observed and put in execution according to their form and tenor, any Edict, Declaration, *Arrêt*, Ordinance, Regulation and other things to the contrary notwithstanding, all which we have derogated from and do hereby derogate from: In witness whereof, we have caused our seal to be hereunto affixed. Given at Versailles, this first day of October, in the year of our Lord, one thousand seven hundred and forty-seven, and of our Reign the thirty-third.

(Signed) LOUIS,  
(Signed) PHELIPPEAUX.

*Arrêt* enjoining communication to the Trustee (Syndic) for the inhabitants, of the *Arrêt*, concerning the re-union of the uncleared lands, before rendering judgment.

The Governor and Bishop having laid before the Council the *Arrêt* of the King's Council of State of the 21st of March, 1668; enjoining that within six months from the publication thereof, all the inhabitants shall cause to be cleared all the lands contained in their concessions, in default whereof all those which shall remain uncleared shall be distributed by new grants in His Majesty's name, His Majesty annulling and revoking all grants of the said lands, not yet cleared, made by the persons heretofore interested in the Company of New France, whereby it is enjoined them to see to the punctual execution of the said *Arrêt*, and even to make a distribution of the said uncleared lands and to make grants thereof in His Majesty's name, they demand that the said *Arrêt* be put in execution in every respect, according to its form and tenor. And that in so doing, all the lands which are not at present cleared and brought under cultivation, be declared re-united to the King's Domain, to be disposed of in His Majesty's name, by new grants in favor of persons demanding them as aforesaid, the said Governor and Bishop declaring that they do not in any way pretend to influence (*intéresser*) the people inhabiting this country, nor to compel them to quit their houses and settlements, consenting that these do remain in the state in which they are, but that with respect to those of which grants are to be made, they will take care that the King's instructions be therein followed, and that they be reduced into Hamlets and Boroughs, (*Bourgs et Bourgades*), as far as can be done, as also that it be forbidden to all pretended Seigniors to dispose by grant of any waste lands on pain of nullity: the King's Attorney being heard, who hath prayed that all the tracts of wood land be re-united to the King's Domain, the Council before adjudication, hath ordained that the said *Arrêt* shall be communicated to the Trustee for the settlers, at the diligence of the King's Attorney General, in order to such Decree upon his answer as shall be meet.

No. 118.

Imperial Act 3rd George IV, Cap. 119.

Section 31st.—And whereas doubts have been entertained whether the tenure of lands within the said Provinces of Upper and Lower Canada holden in *Fief* and Seigniorie can legally be changed; and whereas it may materially tend to the improvement of such lands,

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and to the general advantage of the said Provinces, that such tenures may henceforth be changed in manner hereinafter mentioned; be it therefore further enacted and declared, that if any person or persons holding any lands in the said Provinces of Lower and Upper Canada, or either of them, in *Fief* and Seignior, and having legal power and authority to alienate the same, shall, at any time from and after the commencement of this Act, surrender the same into the hands of His Majesty, His Heirs or Successors, and shall, by Petition to His Majesty or to the Governor, Lieutenant Governor or person administering the government of the Province in which the lands so holden shall be situated, set forth that he, she or they, is or are desirous of holding the same in free and common soccage, such Governor, Lieutenant Governor, or person administering the government of such Province as aforesaid, in pursuance of His Majesty's instructions transmitted through his principal Secretary of state for colonial affairs, and by and with the advice and consent of the Executive Council of such Province, shall cause a fresh grant to be made to such person or persons of such lands to be holden in free and common soccage, in like manner as lands are now holden in free and common soccage, in that part of Great Britain called England; subject nevertheless to payment to His Majesty by such grantee or grantees, of such sum or sums of money as and for a commutation for the fines and other dues which would have been payable to His Majesty under the original tenures, and to such conditions as to His Majesty, or to the said Governor, Lieutenant Governor, or person administering the Government as aforesaid, shall seem just and reasonable; provided always, that on any such fresh grant being made as aforesaid, no allotment or appropriation of lands for the support and maintenance of a Protestant Clergy shall be necessary; but every such fresh grant shall be valid and effectual without any specification of lands for the purpose aforesaid; any law or statute to the contrary thereof in any wise notwithstanding.

32.—And be it further enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, to commute with any person holding lands at *cens et rente* in any *censive* or *Fief* of His Majesty within either of the said Provinces, and such person may obtain a release from His Majesty of all feudal rights arising by reason of such tenure, and receive a grant from His Majesty, His Heirs or Successors, in free and common soccage, upon payment to His Majesty of such sum of money as His Majesty, His Heirs or Successors, may deem to be just and reasonable, by reason of the release and grant aforesaid, and all such sums of money as shall be paid upon any commutations made by virtue of this Act, shall be applied towards the administration of justice, and the support of the civil government of the said Province.

No. 119.

“Act of the Imperial Parliament, 6th George IV.  
Cap. 59.”

Section 1.—Whereas, in and by an Act passed in the third year of His Majesty's Reign (3. Geo. 4. C. 119,) intituled, “An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces,” certain provisions were made for a change of the tenure of lands held in *Fief* and Seignior, and also for the change of the tenure of lands held at *cens et rentes*, in the *censive* of His Majesty, in the Provinces of Upper and Lower Canada; and whereas the said provisions, in so far as they relate to the change of tenure of lands in

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*Fief* and Seignior, cannot, in the said Province of Lower Canada, receive execution where such lands or parts thereof have, under grants of the Seigniors, become the property of persons who hold the same *à titre de fief* in *arrière-fief* or *à titre de cens*, and further provision in this behalf is necessary: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whenever any person or persons, holding of His Majesty as proprietor, or proprietors, any *Fief* or Seignior in the said Province of Lower Canada, and having legally the power of alienating the same, in which *Fief* or Seignior lands have been granted and are held *à titre de fief* in *arrière-fief*, or *à titre de cens*, shall, by Petition to the King, through the Governor, Lieutenant Governor, or person administering the Government of the said Province, apply for a commutation of and release from the *droit de quint*, the *droit de relief*, or other feudal burdens due to His Majesty on such *Fief* or Seignior, and shall surrender into the hands of His Majesty, his heirs or successors, all such parts and parcels of such *Fief* or Seignior as shall remain and be in his possession ungranted, and shall not be held as aforesaid *à titre de fief*, in *arrière-fief*, or *à titre de cens*, it shall and may be lawful for His Majesty, or for such Governor, Lieutenant Governor, or person administering the Government as aforesaid, in pursuance of His Majesty's Instructions transmitted through one of His Principal Secretaries of State, by and with the advice of the Executive Council of the said Province, to commute the *droit de quint*, the *droit de relief*, and all other feudal rights and burdens due to His Majesty upon or in respect of such *Fief* or Seignior, for such sum of money or consideration, and upon such terms and conditions, as to His Majesty, or to such Governor, Lieutenant Governor, or person administering the Government as aforesaid, in pursuance of such instructions, and by and with such advice as aforesaid, shall appear meet and expedient; and thereupon to release the person or persons so applying, his, her, and their heirs and assigns, and all and every the lands comprised in such *Fief* or Seignior, from the said *droit de quint*, *droit de relief*, and all other feudal burdens due or to grow due thereupon to His Majesty, his heirs or successors, of whatsoever nature or kind, for ever, and to cause a fresh grant to be made to the person or persons, so applying, of all such parts and parcels of such *Fief* or Seignior as shall as aforesaid remain and be in his, her, or their possession ungranted, and which shall not be held *à titre de fief*, in *arrière-fief*, as aforesaid, or *à titre de cens*, to be thenceforward holden in free and common soccage, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England, without its being necessary for the validity of such grant, that any allotment or appropriation of lands for the support and maintenance of a Protestant Clergy should be therein made; any law or statute to the contrary thereof notwithstanding.

2.—Provided always, and be it further enacted, that such fresh grant as aforesaid shall be made, nothing in this act contained shall extend or be construed to extend to take away, diminish, alter or in any manner or way affect the Feudal, Seigniorial or other rights of the Seignior or person in whose favor such grant shall be made, upon and in respect of all and every the lands held of him *à titre de cens*, or *à titre de fief*, in *arrière-fief*, as aforesaid, making part of his, her, or their *Fief* or Seignior, on which a commutation of the *droit de quint*, or *droit de relief*, shall have been obtained as aforesaid; but that all and every such Feudal, Seigniorial and other rights shall

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continue and remain in full force upon and in respect of such lands so held *à titre de fief*, in *arrière-fief* as aforesaid, or *à titre de cens*, and the proprietors and holders of the same, as if such commutation or grant had not been made, until a commutation, release and extinguishment thereof shall have been obtained in the manner hereinafter mentioned.

3.—And be it further enacted, that in all cases where any Seigneur or Seigniors, or person or persons holding land, *à titre de fief* in the said Province of Lower Canada, shall by reason or means of a commutation with His Majesty, or of a surrender of his, her, or their *Fief* or Seignior, or any part thereof, to His Majesty, or by reason or means of a commutation with his or their immediate Superior Lord or Seigneur, or otherwise howsoever, have obtained or shall or may hereafter obtain, for himself, herself, or themselves, his, her, or their heirs or assigns, from His Majesty, or from the Governor, Lieutenant Governor, or person administering the Government of the said province of Lower Canada, or from his, her, or their immediate Superior, Lord or Seigneur, a release from and extinguishment of the *droit de quint* or *droit de relief*, due and payable by him, her, or them, his, her, or their heirs and assigns, for or in respect of lands so held *à titre de fief*, such Seigneur or Seigniors, person or persons aforesaid, his, her, and their heirs and assigns, shall be held and bound, when thereunto required by any of his, her, or their *Censitaires*, or the persons who now hold or hereafter may hold the said lands, or any of them, or any part thereof, *à titre de fief*, in *arrière-fief* as aforesaid, or *à titre de cens*, to consent to grant, and allow to and in favor of such *Censitaires*, or other person or persons, as aforesaid, requiring the same, a commutation, release and extinguishment of and from the *droit de quint* and *droit de lods et ventes*, as the case may be, and all other Feudal and Seigniorial rights and burdens to which such *Censitaire*, or other person or persons, his or their heirs and assigns, and his and their lands so held by him or them, may be subject or liable to such Seigneur or Seigniors, person or persons aforesaid, his, her, or their heirs and assigns, for a just and reasonable price, indemnity, or consideration, to be paid for the same, which price, indemnity, or consideration, in case the parties concerned therein shall defer respecting the same, shall be ascertained and fixed by *Experts*, to be in that behalf nominated and appointed, and according to the due course of law in the said Province of Lower Canada, regard being had to the value of the said lands so held *à titre de cens*, or *à titre de fief*, in *arrière-fief* as aforesaid.

No. 120.

STATEMENT of the Revenues of the *Seigniorie of Argenteuil*, produced by Colonel C. C. Johnson, Esquire.

	£ s. d.	£ s. d.
Gross returns of the Seigniorie of Argenteuil for one year, ending 24th July, 1839.....		3092 10 11
Amount of arrears of rent.....	2119 2 4	
Amount of do. of <i>lods et ventes</i> ...	1354 4 1	
Total arrears to 5th June, 1839.....		3473 6 5
Cash rent of the Seigniorie for the year ending 11th November, 1838	186 8 11	
Wheat rent of do. same period, 1318 $\frac{1}{4}$ Bushels at 7s. 6d.....	494 7 3	
Value of 1 year's rent due 11th November, 1838.....		680 16 2

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	£ s. d.	£ s. d.
Gross returns of St. Andrew's Grist Mill for the year ending 9th July, 1839.....	639 19 7	
Gross returns of Chute Grist Mill for the same period.....	218 3 3 $\frac{1}{2}$	
Gross returns of Chute Oat Mill do.	534 3 9 $\frac{1}{2}$	
Do. do. of Barley Mill do....	101 7 7	
Do. do. of Chute Saw Mill do	60 0 0	
Chute carding and fulling Mill rented for.....	50 0 0	
Total gross returns of the Mills for one year.....		1603 14 3
Rivière Rouge Saw Mill now rebuilding.....	0 0 0	
Whole number of the tenants on the Seigniorie.....	414	
Entire population of ditto..	2,770	
Number of acres of land conceded and pay rent.....	53,587 $\frac{1}{2}$	
Number of acres of unconceded land.....	3,600	
Do. of Col. Johnson's private property.....	1,539	

C. C.

(Signed) C. MACDONNELL, Agent.

St. Andrews, August 7th, 1839.

No. 121.

AN ABSTRACT shewing the quantity of Land unoccupied though conceded; the annual value of the *cens et rentes* and the *lods et ventes* for the last seven years, with the number of mutations during that period in the following Seigniories, the property of William P. Christie, Esquire.

Seigniories.	Quantity of Land unoccupied though conceded.	Number of mutations.	Amount of <i>lods et ventes</i> in the last seven years.	Annual value of <i>cens et rentes</i> .
Repentigny.....		5	£ s. d. 82 14 1	£ s. d. 41 1 10
Lacolle.....	3400	65	378 2 6	735 17 5
DeLéry.....	2000	208	1428 2 6	1256 18 3
Bleury.....	600	195	1034 6 7	593 4 3
Sabrevois...	5000	93	605 17 3	702 2 1
Noyan.....	1000	94	603 14 1	667 1 4

No. 122.

Statement of Expenditure by the Seigniorie of Beauharnois for public objects since 1st January, 1822, inclusive. Produced by E. G. Wakefield, Esquire.

	£ s. d.	£ s. d.
Bridges.....		1206 4 9
Roads.....		2048 18 0
Quays.....		319 10 9
Steamboats.....		50 0 0
SURVEYS—Land Survey.....	2246 15 1	
St. Lawrence Canal.....	592 17 0	
Rail Road.....	41 6 10	
Boundary Line, by desire of Government.....	86 2 8	
		2967 1 7

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	£ s. d.	£ s. d.
<b>MILLS—Flour Mills</b> .....		
Oatmeal.....		
Carding.....		21194 9 9
Fulling.....		
Barley.....		
Saw.....		
<b>CHURCH ESTABLISHMENT—</b>		
Buildings.....	1783 2 4	
Allowance to Clergy	1000 0 0	
		2783 2 4
<b>SCHOOL ESTABLISHMENTS—</b>		
Buildings.....	272 7 0	
Allowance to School Masters	800 0 0	
		1072 7 0
<b>Taverns and Houses for public accommodation</b> .....		1780 0 4
<b>Establishment of Fishery at Buisson Point</b> .....		345 8 5
<b>Water Courses, to drain Censitaires' Lands</b> .....		658 5 8
<b>Barracks for maintenance of Troops</b> .....		200 0 0
<b>Establishment of Villages</b> .....		440 15 9
<b>AGRICULTURAL ENCOURAGEMENT AND IMPROVEMENTS.</b>		
<b>Farm Buildings for a Model Farm</b> .....	1000 0 0	
<b>Extra cost of superior Stock, Seed, Animals, and Scientific Implements</b> .....	300 0 0	
<b>GRATUITOUS USE GIVEN TO CENSITAIRES.</b>		
<b>Annual gratuitous distribution of young stock</b> .....	700 0 0	
<b>Expense of carrying on Model Farm beyond Returns</b> .....	2800 0 0	
<b>Annual Contribution to County Agricultural Society</b> .....	300 0 0	
		5100 0 0
		£43166 4 4
<b>Interest on the above outlays at a very moderate computation</b> .....		6833 15 8
		£50000 0 0

Beauharnois, 1st August, 1842.

It may be well to remark, that independently of the above expenditure, the Seigneur gave up the two and a-half first years of rent, in all concessions since 1822, equal to one shilling and three pence on 80,000 arpents, ..... £5,000 0 0

Annual Revenue and Cost of Management since 1st January, 1822, to 31st December, 1841.

Years.	Gross Revenue.	Cost of Management.
	£ s. d.	£ s. d.
1822	514 0 6	503 13 3
1823	731 11 11	542 18 10
1824	917 7 0	569 3 3
1825	1589 10 10	506 12 0
1826	2617 1 4	589 2 4
1827	1427 10 10	542 4 2
1828	1529 1 1	555 13 4
1829	1515 7 7	609 1 6
1830	1825 12 7	687 2 6
1831	2357 16 10	673 13 4
1832	3091 17 10	614 16 11
1833	2810 1 2	635 12 3
1834	2855 4 4	849 2 7
1835	3748 14 5	723 10 1
1836	3662 4 8	834 3 0

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Years.	Gross Revenue.	Cost of Management.
	£ s. d.	£ s. d.
1837	3662 15 10	1470 5 5
1838	3576 12 9	1488 9 5
1839	8467 3 11	1587 16 0
1840	5978 10 11	2157 16 0
1841	6736 7 8	2727 14 4
	£59614 17 1	£18967 11 6
	Less ..... 18967 11 6	
	Net Revenue... £40677 5 7	

No. 123.

STATEMENT, showing the number of actions instituted in the Superior Terms of the Court of King's Bench for the District of Montreal, during the years 1840, 1841 and 1842, and distinguishing therein the proportion of Seigniorial actions from other actions.

Terms.	Seigniorial Suits.	Actions other than Seigniorial.	Total number of Actions instituted.
1840.			
February	79	701	780
April	32	350	382
June	47	389	436
October	216	699	915
Total	374	2,139	2,513
1841.			
February	146	646	792
April	113	273	386
June	49	331	380
October	103	590	693
Total	411	1,840	2,251
1842.			
February	172	408	580
April	66	231	297
June	26	326	352
October	58	682	740
Total	322	1,647	1,969

Prothonotary's Office,  
Montreal, 10th January, 1843.

No. 124.

STATEMENT of the number of Executions issued and lodged in the Sheriff's Office of Montreal from the 5th October, 1839, to 5th October, 1842— 3,440; of these there are issued at the instance of the following Seigniors, as follows:—

Joseph Ainsse, Esquire, Seignior of Varennes.....	1
François Languedoc, Esquire, Seignior of St. George..	1
Janvier D. Lacroix, Esquire, Seignior of Ste. Thérèse de Blainville.....	1
Marguerite Baby, veuve Selby, Seignior of Lasalle.	1
Lambert Dumont, Esquire, Seignior of St. Eustache...	1
The Hon. T. Pothier, Seignior of Fief La Gauchetière.	2
Catherine Jordan, veuve Clame, Seignior of Mille-Isles.....	2
The Gent. Seminary of Montreal, Seigniors of Montreal and Lac des Deux Montagnes.....	2
The Hon. F. X. Mailhot, Seignior of Verchères.....	3
William Yule, Esquire, Seignior of Chambly.....	3
James Cuthbert, Junior, Seignior of Lanoraye et Dau-traye .....	4
The Hon. C. Grant, Seignior of Longueuil.....	4
Pierre L. Panet, Seignior of Daillebout.....	4

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4th October.

The Hon. J. Pangman, Seigneur of Mascouche de Lachenaye.....	5
John Boston, Esq., Seigneur of Thwait and St. James..	5
Aimé Massue, Esquire, Seigneur of St. Aimé.....	7
The Hon. B. Joliette, Seigneur of St. Paul.....	10
Dame Duchesnay, veuve St. Ours, Seignioress of St. Ours	11
G. B. Hamilton <i>et. al.</i> , Seigneur of DeLéry <i>et. al.</i> .....	16
The Hon. Joseph Masson, Seigneur of Terrebonne.....	16
The Hon. J. R. Rolland, Seigneur of Monnoir.....	23
Hertel de Rouville, Seigneur of St. Hilaire de Rouville..	23
C. C. Johnson, Esquire, Seigneur of Argenteuil.....	26
William Bingham <i>et uxore</i> , Seigneur of Rigaud.....	34
Marie R. Papineau, veuve Dessaulles, Seignioress of St. Hyacinthe.....	66
The Hon. P. D. DeBartzch, Seigneur of St. Charles, St. Marc and St. François.....	96
The Hon. Edward Ellice, Seigneur of Beauharnois....	111
Dame DeLéry, veuve de Beaujeu, Seignioress of Soulanges and Nouvelle-Longueuil.....	179
William Plenderleath Christie, Esquire, Seigneur of DeLéry, Lacolle, Noyan, Sabrevois, DeBleury and Repentigny.....	664

No. 125.

STATEMENT of the Amount of Quints paid to the Receiver General during the following periods.

	£	s.	d.
From 25th September to 22nd December, 1803	2850	16	5
" 1st May " 1st November, 1804	500	0	0
" 1st Nov. 1804 " 1st May, 1805	6	6	4
" 1st May " 1st November, 1805	48	17	7
" 1st May " 1st " 1806	120	5	3
" Oct. 1808 " October, 1809	2493	4	9
" 10th January " 28th May, 1810	741	7	8½
" " " " July, 1810	15	18	0
" 6th July " 10th October, 1810	207	1	4
" 6th January " 5th April, 1811	10	0	0
" 5th April " 30th December, 1811	225	4	5
" " " " " " 1812	5	6	4
" " " " " " 1812	155	1	2
" 19th June 1812 " 7th July, 1813	266	13	4
" 7th July " 10th November, 1813	103	2	3
" 11th Nov. 1813 " 2nd April, 1814	297	8	11
" 10th Oct. 1814 " 10th October, 1815	637	3	4
" " " 1816 " 10th April, 1817	639	8	8½
" 11th April, " 10th October, 1817	680	0	0
" " " " " " 1818	5	10	0
" " " " " " 1819	2605	6	11½
" " Oct. 1819 " 11th April, 1820	2304	0	0
" " April " 10th October, 1820	27	16	1
" " Oct. 1820 " 10th April, 1821	94	3	9
" " April " 10th October, 1821	2453	7	0
" " Oct. 1821 " 16th March, 1822	257	6	4
" 16th March " 10th October, 1822	81	13	4
" 11th Oct. 1822 " 10th April, 1823	473	6	8
" 11th April, " 10th October, 1823	174	13	4
" 25th Nov. 1823 " 10th April, 1824	474	16	9
" 11th Oct. 1824 " 10th April, 1825	87	14	2
" 11th April, " 10th October, 1826	987	10	5
" " " " " " 1827	395	5	0
" " " " " " 1828	1546	13	4
" 10th October, 1828, " April, 1829	110	0	0
" 11th April, " " October, 1829	168	1	10½
" 11th Oct. 1829 " " April, 1830	1147	10	0
" 11th April, " " October, 1830	507	19	9
" " Oct. 1830 " " April, 1831	35	0	0
" " April, 1831 " " October, 1831	1133	2	8½
" 10th Oct. 1831 " " April, 1832	131	3	4
Carried forward.....	£25211	6	7¼

Appendix (F.)

4th October.

	£	s.	d.
Brought forward.....	25211	6	7¼
From 11th April, to 10th October, 1832	126	13	4
" " Oct. 1832 " " April, 1833	110	3	4
" " " 1833 " " " 1834	936	11	2
" " 10th April, " " October, 1834	1480	16	8
" 10th Oct. 1834 " " April, 1835	1455	12	2½
" 10th April, " " October, 1835	63	3	0
" " " " 11th " 1836	133	6	8
" Oct. 1836 " 10th April, 1837	59	6	8
" 11th April, " " October, 1837	249	15	0
" 10th Oct. 1837 " " April, 1838	623	19	8
" " " 1839 " 11th " 1840	191	16	0
" " April, " " October, 1840	236	13	4
" 11th Oct. 1840 " 10th April, 1841	873	10	10
" 10th April, " 10th October, 1841	25	13	4
Total.....	£31778	7	9¼

Memo.

Annual average for 38 years—£836 5 5½ Errors Excepted.

(Signed) F. W. PRIMROSE,  
I. G. Q. D.

Quebec, 16th August, 1842.

No. 126.

STATEMENT of the prices of Wheat for different years as below stated, furnished by the Reverend M. Comte—Montreal.

Year.	Liv. Sol.	Year.	Liv. Sol.	Year.	Liv. Sol.
1729	3 ..	1772	4 ..	1807	9 ..
1730	3 ..	1773	5 ..	1808	9 10
1731	2 10	1774	4 ..	1809	10 10
1732	3 ..	1775	4 ..	1810	10 10
1733	2 ..	1776	3 10	1811	12 ..
1734	2 ..	1777	6 ..	1812	19 ..
1735	2 ..	1778	6 ..	1813	16 ..
1736	3 10	1779	8 ..	1814	9 ..
1737	4 ..	1780	10 8	1815	16 ..
1738	3 ..	1781	9 ..	1816	12 ..
1739	2 ..	1782	7 ..	1817	7 10
1740	2 ..	1783	6 ..	1818	8 5
1741	2 10	1784	6 ..	1819	6 ..
1742	3 10	1785	6 ..	1820	4 10
1743	4 5	1786	4 ..	1821	5 5
1744	4 2½	1787	3 ..	1822	6 ..
1745	3 ..	1788	10 8	1823	6 12
1746	2 10	1789	6 ..	1824	6 ..
1747	3 ..	1790	4 ..	1825	6 ..
1748	3 ..	1791	4 ..	1826	6 ..
1749	2 10	1792	4 ..	1827	6 6
1750	3 ..	1793	4 ..	1828	9 ..
1751	5 ..	1794	5 ..	1829	7 ..
1752	4 ..	1795	10 ..	1830	7 ..
1753	3 10	1796	7 ..	1831	6 ..
1754	3 10	1797	6 ..	1832	6 ..
1755	3 10	1798	5 ..	1833	5 10
1756	5 ..	1799	9 ..	1834	5 10
1757	10 ..	1800	12 ..	1835	6 10
1758	3 ..	1801	6 ..	1836	10 ..
1759	3 10	1802	6 ..	1837	8 10
1760	4 ..	1803	6 ..	1838	8 ..
1761	6 ..	1804	9 ..	1839	7 10
1762	4 10	1805	8 ..	1840	6 12
1763	3 ..	1806	8 10	1841	7 10

No. 127.

## TABLES OF THE RATES AND CONDITIONS OF GRANTS OF SEIGNORIES.

Appendix  
(F.)  
4th October.

Name of Seigniorie or arriere-fief, and in what District situate.	Date of original Grant.	By whom granted.	To whom granted.	State the extent of the Seigniorie or Fief, its dimensions, contents in square arpents, and its tenants et aboutissants fully.	Fealty and homages, with other dues and services according to Coutume de Paris. Preservation of oak. Feu et lieu, &c. Clear land, &c., on pain of re-union, (highways.) Concéder aux cens, rentes et redevoances accoutumés par chaque arpent de front sur 40 de profondeur. Reservations for forts. No conditions or reservations.
Rivière-du-Loup	16th May 1666	Company of West Indies	François Dionne	Of extent of land, with right of piscary, chase, and mines, minerals and waters. <i>En toute propriété et Seigneurie.</i>	Fealty and homage on each mutation of possessor, with a piece of Gold. To commence clearing of the Country within three years, on pain of re-union to domain.
Batuscan	13th March, 1639	Company of New France	Reverend Jesuits	<i>Plein-fief, foi et hommage, haute, moyenne et basse Justice.</i> To hold by themselves, or to grant to Savages, or others, embracing Christianity, according to the Laws of Fiefs by the Custom of Paris.	Fealty and homage and the delivery of a Silver Cross every 20 years after settlement of the property in .northmain.
Portneuf	16th April, 1647, in confirmation of his possession under a previous deliberation of the Company of 5th January, 1636.	Company of Nouvelle-France.	Sieur de la Poterie	<i>En toute propriété Justice et Seigneurie</i>	Fealty and homage, and payment on each mutation of possessor of all rights and dues accruing for fiefs of the same quality, according to the Custom of Paris, and which the Company direct shall be kept and observed all over New France." Not to carry on fur trade, except on certain conditions. Not to obstruct navigation of St. Lawrence and other rivers, nor exact toll on vessels, &c. To leave a high road of 20 toises along the shore of the St. Lawrence from its height of water at the fullest season.
Berthier	11th October, 1753	Governor for the King	Sieur Joseph Berthier	<i>Fief et Seigneurie. Haute, moyenne et basse Justice, pêche, chasse, traite avec les Sauvages.</i>	<i>Foi et hommage, with other dues and services according to Coutume de Paris.</i> Preservation of oak. <i>Feu et lieu, &amp;c.</i> Clear land, &c., on pain of re-union, (highways.) <i>Concéder aux cens, rentes et redevoances accoutumés par chaque arpent de front sur 40 de profondeur.</i> Reservations for forts.
Notre Dame des Anges, Québec.	10th March, 1626	Duke de Ventadon, Lieutenant General of the King, &c.	Reverend Jesuits	<i>En don irrévocable et perpétuel.</i>	No conditions or reservations.
Sillery	23rd October, 1699	Governor for the King	Reverend Jesuits	<i>En fief from the King, with haute, moyenne et basse Justice, as their property, according to Custom of Paris.</i>	

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Boucherville	3rd November 1672	M. Talon, for the King	Sieur Boucher	<i>En fief, avec tous droits de Seigneurie et Justice.</i>	<i>Foi et hommage, and feudal dues and services according to Custom of Paris, which shall be followed provisionally until otherwise directed by the King, obligation to have residence feu et lieu, and require same for tenants, on pain of re-union to Domaine.</i> To preserve oak trees for His Majesty's use, to disclose the discovery of all mines, and to suffer all highways to be made, &c.
Soulanges	12th October, 1702	Governor, for the Crown	Sieur de Soulanges	<i>A titre de fief et Seigneurie, haute, moyenne et basse Justice, fishery and chase, right of trading with the Indians.</i>	Fealty and homage and other dues and services according to Coutume of Paris followed in the country. To preserve oak trees, to disclose mines, &c., to keep feu et lieu, himself and tenants, to settle and clear the property immediately after the then war, to give land for roads, &c. Reservation of one arpent of land for a fort and of firewood for garrison.
Vaudreuil	23rd October, 1702	Same	Chevalier de Vaudreuil	Same	Same.
Monnoir	25th March, 1708	Same	Sieur de Ramsay	<i>A titre de Fief et Seigneurie, haute, moyenne et basse Justice, fishery, chase, and right of trade with Savages.</i>	To give land for roads, fealty and homage and other dues and services according to the Coutume de Paris, to preserve oak trees, to keep and cause to be kept, feu et lieu, to settle property after the war. Reservation of land for forts.
Augmentation of same making one Seigniorie De Ramsay	12th June, 1739 7th October, 1710	Same Same	Same Sieur de Ramsay	Same <i>Fief and Seigniorie, haute, basse, et moyenne Justice, chase, fish, trade with Indians.</i>	" <i>Concéder à leur tenancier avec cens et rentes accoutumés.</i> " To give land for roads, &c. Fealty and homage and dues and services, according to Coutume de Paris. Preservation of oak trees. Disclosure of mines. <i>Feu et lieu.</i> Settlement after the war. Reserve of land for forts.
Montarville	17th October, 1710	Governor for King	M. Boucher	<i>Fief et Seigneurie, haute, moyenne et basse Justice, chasse, pêche, trade with Indians.</i>	<i>Foi et hommage, and other dues, and services according to Coutume of Paris.</i> To settle and clear immediately. Give land for roads. Reservation of ground for forts.
Lac des deux Montagnes	17th October, 1717, confirmation by the King 27th April 1718.	Governor for Crown	Seminary of Montreal	<i>Fief et Seigneurie, haute, moyenne et basse Justice, chasse, pêche.</i>	To build a church and fort. <i>Foi et hommage, and other dues and services according to Coutume de Paris, feu et lieu, &amp;c.</i> Preservation of oak trees, disclosure of mines, &c., to grant land for roads. "De concéder les aîtes terres qui seront en bois debout à sim- ples titres de redevoances de 20 sols, et un chapon pour chacun ar-

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4th October.

TABLES OF THE RATES AND CONDITIONS OF GRANTS OF SEIGNIORIES.—Continued.

Name of Seigniorie or <i>arrière-fief</i> , and in what District situate.	Date of Original Grant.	By whom granted.	To whom granted.	State the extent of the Seigniorie or <i>Fief</i> , its dimensions, contents in square arpents, and its tenants <i>et aboutissants</i> fully.	State the Terms, Charges and Conditions set forth in the original grant.
Lac des deux Montagnes	17th October, 1717, confirmation by the King, 27th April, 1718.	Governor for Crown.....	Seminary of Montreal	<i>Fief et Seigneurie, haute, moyenne et basse Justice, chasse, pêche.</i>	<p>“<i>pent de terre de front sur 40 de profondeur, et de 6 deniers de cens, sans qu'il puisse être inséré dans les dites concessions ni sommes d'argent ni aucune autre charge que de simple titre de redevance, suivant les intentions de Sa Majesté, leur permettant néanmoins Sa Majesté de vendre ou donner à redevances plus fortes les terres dont il y aura au moins un quart de défriché.</i>”</p>
Augmentation of Lac des deux Montagnes.	26th September, 1733..	Governor for King .....	Seminary of Montreal	Same as original grant.....	Same as original grant, “ <i>de concéder aux cens et rentes et redevances accoutumés par arpent de terre de front sur 40 de profondeur.</i> ”
Confirmation of both grants.	1st March, 1735.....	The King .....	Seminary.....	ADDITIONAL.	<p>“<i>Concéder aux cens et rentes et redevances accoutumés par chaque arpent de terre dans les Seigneuries voisines, eu égard à la qualité et situation des héritages au tems des dites concessions, ce que Sa Majesté veut aussi être observé pour les terres et héritages de la Seigneurie du Lac des deux Montagnes appartenant aux dits Ecclésiastiques, nonobstant la fixation des dits cens et redevances, et de la quantité de terre de chaque concession portée au dit brevet de 1718.</i>”</p>

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TABLES OF RATES AND CONDITIONS OF GRANTS OF SEIGNIORIES.—Continued.

Name of Seigniorie or <i>Arrière-Fief</i> , and in what District situate.	Date of Original Grant.	By whom granted.	To whom granted.	Nature of Tenure.	Reservations and Conditions made by grantors.
Lauzon	15th January, 1638	Company of New France	Sieur LeMaitre	<i>En toute propriété, Justice et Seigneurie</i>	Fealty and Homage, and a piece of gold on each mutation of possession, and one year's revenue of the property accruing by reason of grants <i>en fiefs ou à titre de cens</i> . Not to carry on fur trade except agreeably to conditions of Edict establishing Company.
Beauport	15th January, 1634	<i>Compagnie de la Nouvelle France.</i>	Robert Giffard	<i>En toute Justice, propriété et Seigneurie</i>	Fealty and homage, and a piece of gold on each mutation of possession, and one year's revenue of the property accruing by reason of grant to be made <i>en fief or à titre de cens</i> . Not to carry on fur trade except agreeably to conditions of Edict establishing the Company.
Beauharnois	12th April, 1729	The King	Marquis de Beauharnois and his Brother.	<i>A titre de fief et Seigneurie, haute, moyenne et basse Justice, chasse, pêche, et autres droits Seigneuriaux.</i> No right to trade.	<i>Foi et hommage</i> , and other dues and services according to Custom of Paris. Preservation of oak trees. Disclosure of mines. <i>Feu et lieu, &amp;c.</i> , on pain of re-union to Royal Domain, to cause land to be immediately settled and cleared. Grant land for roads. Reservation of ground for forts.
Foucault	3d April, 1733, confirmed by the King, 6th April, 1734.	Governor for King	Mr. Foucault	<i>Fief et Seigneurie, haute, moyenne et basse Justice, pêche, chasse.</i> Traffic with Indians.	<i>Foi et hommage</i> , and other dues and services according to <i>Coutume de Paris</i> . Preservation of oak trees. Disclosure of mines. <i>Feu et lieu, &amp;c.</i> , on pain of re-union; to give land for roads. " <i>De concéder aux cens, rentes et redevances accoutumés par arpent de terre de front sur 40 de profondeur.</i> " Reservation of ground for forts.
St. Hyacinthe	23rd September, 1748, confirmed 30th April, 1749.	Governor for King	Sieur de Vaudreuil	<i>A titre de fief et Seigneurie, haute, moyenne et basse Justice, chasse, pêche, traite avec les Sauvages.</i>	Fealty and homage, and other dues and services according to <i>Coutume de Paris</i> . Preservation of oak trees. Disclosure of Mines. <i>Feu et lieu</i> , on pain of re-union. " <i>Faire déserrer incessamment, justifier des travaux qu'il y aura fait faire d'ici à l'automne prochain.</i> " " <i>Concéder à ses tenanciers aux cens, rentes et redevances accoutumés par arpent de terre de front sur 40 de profondeur.</i> " Reservation of ground for forts.

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No. 128.  
TABLES OF THE RATES AND CONDITIONS OF GRANTS OF LANDS *en censive*.  
*Seigneurie of Riviere Ouelle, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Sr. de la Boutellerie to Galirau S. Boucher.	28th July, 1676.	5 $\times$ 40—200. Rent, 10 <i>sols</i> for each arpent in front and 3 capons for the whole. 95 <i>sols</i> .		
Same to Phil. Boucher.	7th June, 1677.	3 $\times$ 20—60. Rent, 10 <i>sols</i> p. arpent in front and 2 capons for the whole, equal to 60 <i>sols</i> . or 1 <i>sol</i> for each arpent.		
Same to J.-Bie. Gagnon.	28th July, 1739.	3 $\times$ 42—136. 1 <i>sol</i> of <i>cens</i> and 30 <i>sols</i> of rent for each arpent in front making 63 <i>sols</i> .		Reservations of wood and other materials for buildings—Prohibition to build Mills. Reserve of six arpents to build Mills. No indemnity unless for improvement on land taken.
Pierre Casgrain to Jn.-Bie. Dubé.	28th November, 1813.	2 $\times$ 40—50. Rent, 5s. and one <i>sol</i> of <i>cens</i> for each arpent in front, equal to 10s. 1d. cy. for the whole.		
Pierre T. Casgrain to Léandre Rousselle.	7th December, 1836.	2 $\times$ 40—50. Rent. 5s. each arpent in front. 10s.		Same conditions and reservations.

*Seigneurie of Fleuvie and St. Joseph in Nouvelle Beauce, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Sr. De la Gorgendière to Aug. Cloutier.	17th May, 1713.	3 $\times$ 40—120. Rent. 1 <i>sol</i> for each arpent in superficies. 120 <i>sols</i> . a capon or 15 <i>sols</i> p. arpent in front. 45 .. 3 <i>sols</i> de <i>cens</i> . 3 .. Sols 168		Reservations of wood for churches, manor houses and buildings.

*Seigneurie of Deschambault, District of Quebec.*

Same to J. M. Roy— <i>titre nouvel et déclaration de reconnaissance</i> .	22nd March, 1828.	2 perches $\frac{1}{4}$ $\times$ 40 .. and 1 arpent and $\frac{1}{4}$ $\times$ 40 .. Arpents, 10 60 Arpents, 70		Same reservation.
M. Taschereau to Noel Vachin.	15th April, 1841.	Rent 5 <i>lirres</i> —one <i>sol</i> for the whole. 4 $\times$ 20—80. Rent. £1 0 2 <i>cens</i> et <i>rente</i> equal to 3d. per arpent.		Reservation of all mines, quarries, rivers and brooks, and the right of directing water courses, of taking land for mills or manufactories to the extent of 6 arpents, with an indemnity for improvements only if there be any.
Wm. Torrance, et al. to Joseph Cloutier. <i>Titre nouvel</i> .	2nd July, 1839.	5 arpents $\times$ 40—200. Rent for 1 lot, 12s. 5d. currency.		Same reservations, with the exception of manufactories.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
La Gorgendière to Michel Paquin.	22nd October, 1744.	3 $\times$ 30—90. Rent, 22 <i>sols</i> , 6 <i>den.</i> for each arpent front. 67 <i>sols</i> . 3 capons at 15 <i>sols</i> . 45 .. <i>Cens</i> , 5 <i>sols</i> . 5 .. 117 "		Reservation of wood for manor and building.
Same to Antoine Merand.	22nd October, 1744.	3 $\times$ 30—90. Rent, 22 <i>sols</i> , 6 <i>den.</i> .. 67 3 capons at 15 <i>sols</i> . 45 .. <i>Cens</i> , 5 <i>sols</i> .. 5 .. 117		Same reservation.
Same to Michel Paquin.	10th August, 1821.	2 arpents, 7 perches $\times$ 30—80. 3 .. 40—120. Rent, 22 <i>sols</i> , 6 <i>den.</i> for each arpent in front. 69 6 3 capons at 15 <i>sols</i> , do. 45 0 <i>Cens</i> , 4 <i>lir.</i> 6 <i>den.</i> .. 4 6 Sols, 117 0 for 1st lot. Same rate for second lot with the exception of the <i>cens</i> .		Same reservation.

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4th October.

*Seigneurie of Lachevoilière, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Amable Bochet to Antoine Bonin.	13th December, 1841.	2 $\times$ 31—62. Rent, 9 <i>liv.</i> 6 <i>sols</i> . Equal to 34 <i>sols</i> for arpent.		Reserve of wood and other materials for buildings of all kinds, directing water courses, &c. for mills.

*Seigneurie of Murray Bay, District of Quebec.*

This Seigneurie was conceded by the Crown in 1762.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
William Nairne to Joseph Gauthier.	15th October, 1821.	3 $\times$ 40—120. Rent, 40 <i>sols</i> <i>Tournois</i> de <i>rente foncière</i> , and 1 <i>sol</i> of <i>cens</i> for each arpent in front making 43 <i>sols</i> for each arpent front of about 1 <i>sol</i> per arpent.		Reservation of wood, for manor house, mills, buildings, &c., and of the rivers and all mill-seals.
Same to Same person.	15th October, 1821.	3 $\times$ 40—120. Same rate.		Same reservations.

*Seigniorie of Kamouraska, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Sr. De la Donautate to J.-Bte. Dionne.	24th June, 1745.	10 $\times$ Rent, 1 <i>liv.</i> for each arpent in front. . . . . 120 <i>Cens</i> , 10 <i>sols</i> . . . . . 10 <hr/> 130 There is a declaration in this concession saying, that this rate is fixed for the future in other concessions.		Reservation of oak timber and wood for public and Seigniorial buildings.

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## Seigniorie of St. Roch des Aulnets, District of Quebec.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Me. De Tartre Ve. Juchereau to J. Bte. Gagnon.	15th March, 1712.	6 $\times$ 40—240. <i>sols.</i> Rent, 12 <i>livres</i> ..... 240 <i>Cens</i> , 2 <i>sols</i> ..... 2 ————— 242 1 <i>sol</i> an arpent.		Reservation of wood for public and manorial purposes.
Mire Nouvel Mr. Juchereau to Alex. St. Pierre.	12th November, 1742.	4 $\times$ 40—160. Rent, 6 <i>livres</i> ..... 120 1 <i>sol cens</i> for each arpent in front..... 4 ————— 124 less than 1 <i>sol</i> an arpent.		Same reservations.
Mr. Juchereau to Jean Amond.	14th December, 1753.	4 $\times$ 42—168. Rent, 8 <i>livres</i> ..... 160 2 <i>sols cens</i> ..... 2 ————— 162 less than 1 <i>sol</i> .		Same reservations.
Same to Louis Gauvin.	6th August, 1765.	4 $\times$ 42—168. <i>sols. d.</i> Rent, 6 <i>livres</i> , 6 <i>sols</i> , 5 <i>den</i> ..... 126 5 <i>Cens</i> , 1 <i>sol</i> ..... 1 ————— 127 5 less than 1 <i>sol p.</i> arpent.		Same reservations.
Same to Jean Peltier.	26th June, 1783.	3 $\times$ 40—120. Rent, 4 <i>livres</i> for each arpent in front. 12 <i>livres</i> ..... 240 <i>Cens</i> , 1 <i>sol</i> ..... 1 ————— 241 Equal to 2 <i>sols</i> per arpent.		Reserve of mill-sites in addition to the other reserves.
Same to Charles Primeau.	11th July, 1794.	3 $\times$ 40—120. Rent, 4 <i>livres</i> for each arpent in front and 1 <i>sol</i> for each arpent, making about 2 <i>sols</i> per arpent.		Same reservations.

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*Seignioriy of Baie St. Paul, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Noté Simard to Jean Tremblay.	12th December, 1739.	4 $\times$ 35—140. 20 sols et 1 <i>chapon</i> ou 20 sols for each arpent in front, making 4 <i>lires</i> and 4 capous— 4 <i>lires</i> . Equal to 1 sol and a fraction per arpent.		No reservation.
Joseph Drapeau to J.-Bte. Tremblay.	15th September, 1792.	2 $\times$ 35—70. Rent, 2 <i>lires</i> and 4 sols for each arpent in front. <i>Cens</i> , 2 sols. For the whole or a little more than 1 sol per arpent.		Reserve of all mill-sites.

*Seignioriy of Aubert-Gallion, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
George Pozer to Jos. Rodrigue.	25th January, 1832.	2 $\times$ 40—80. Rent, 10 shillings and 4 <i>minots</i> of wheat and 1 <i>corrée</i> $\alpha$ 2s. 6d. Rent..... £0 10 0 Wheat..... 1 0 0 <i>Corrée</i> ..... 0 2 6 £1 12 6 Wheat is here valued $\alpha$ 5s. per <i>minot</i> .		Reserve of all rivers and streams, rivers, quarries, mines, six arpents of ground for every mill, timber for church, manorial buildings, &c.
Same to Charles Letourneau.	27th May, 1842.	2 $\frac{1}{2}$ $\times$ 30—70. Rent..... £1 10 0 1 <i>corrée</i> of..... 0 2 6 1 cord wood..... 0 5 0 £1 17 6		Obligation of <i>banalité</i> in saw mills and similar reservations.

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4th October.*Seignior of Island of Orleans, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Revd. Bishop of Patrea to Robert Boulet.	26th February, 1669.	3 $\times$ uncertain. Rent, 1 <i>livre</i> for every arpent in front..... <i>sols.</i> 60 1 <i>sol</i> of <i>cens</i> ..... 3 and for all 3 capons or 30 <i>sols</i> ..... 90 <hr/> 153		
P. Poulain to J.-Bte. Genet dit Labarre.	23rd November, 1839. <i>Titre-nouvel.</i>	3 $\times$ uncertain. Rent, 8 <i>livres</i> , 16 <i>sols</i> . <i>Cens</i> , 3 <i>sols</i> .		

*Seignior of Fossambault, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Mr. Duchesnay to Andrew Carney and William Mitchell.	8th September, 1824.	3 $\times$ 50—150 arpents. Rent. 4d. for every superficial arpent—50s..... £2 10 0		Reserve of 4 arpents for erection of mills and manufactories, of making canals and dams and directing rivers, of all timber for erecting mills and manufactories, manor houses, churches, &c. Prohibition to build mills of any sort.

*Seignior of Côte Ste. Geneviève, District of Quebec.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession, not imposed by Law.
Reverend Jesuits to J. Mellone dit Dumain.	27th February, 1652.	2 $\times$ 24—48 arpents. 50 <i>sols</i> rent..... 50 2 capons equal..... 30 <hr/> 80 Double <i>cens</i> , $\frac{1}{3}$		No reservations.

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Seigniorly of Côte Ste. Geneviève, District of Quebec.—Continued.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession, not imposed by Law.
Same Seigniorly of Notre Dame des Anges to Michel Gendron dit Lafontaine.	22nd April, 1658.	2 $\times$ 3—60. Rent ..... 60 2 capons ..... 30 Double cens ..... 4 den. sols... 90 4 den.		Reservation by grantor of <i>coupe de bois</i> on 4 arpents.
Same to Pierre Denis Ecr Sr. De la Rondé.	Notre-Dame des Anges, 10th October, 1661.	4 $\times$ 40—150. Rent, 5 litres..... 100 3 capons..... 45 Cens, 3 deniers..... 145 3 den.		Reservation of <i>coupe de bois</i> on half of the concession.
Same to Jacques Cailletan Sr. De Champigny.	Same Seigniorly, 4th February, 1665.	2 $\times$ 40—50. Rent, 4 litres <i>tournois</i> ..... 80 2 capons..... 30 Cens double..... 110 4 den.		Reserve of all wood on the whole concession except fire wood and wood for building for the tenant.
Reverend Jesuits to Jean Dularent.	5th November, 1697.	4 $\times$ 10 $\frac{1}{2}$ —42. Rent..... 42 2 capons ..... 30 Cens, 1 sol..... 1 72		Prohibition to sell timber—may use it for his own use on the farm.
Same to Pierre Perrin.	7th January, 1710.	2 $\times$ 20—40. Rent, 1 sol per arpent..... 46 2 capons..... 33 Cens, 2 sols..... 2 72		Reserve of all fine Timber and same prohibition.
Same to Claude Vandandague.	After Ed. of 1711, 4th February, 1717, and down to 1799 all concessions alike.	Arpents..... 70 $\frac{1}{2}$ Rent, 4 litres..... 87 4 capons a 15 sols..... 63 Cens, 2 sols..... 2 142		No reservation whatever of wood. No reservations after 1717 to 1799. Except reserve of oak for His Majesty.

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## Seignior of Rivière du Loup, District of Three Rivers.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Monsr. Beaubien to Jean Frs. Gerlaisse.	11th September, 1711.	5 $\times$ 20—100. Rent, 3 <i>livres</i> ..... 40 2 capons a 20 <i>sols</i> ..... 40 <i>Cens</i> , 1 <i>sol</i> ..... 1 161		No reservation.
Ursuline Nuns to Charles Auger.	8th May, 1724.	5 $\times$ Rent, 3 <i>livres</i> , 15 <i>sols</i> ..... 75 2 <i>chapons</i> $\frac{1}{2}$ ..... 50 <i>Cens</i> , 1 <i>sol</i> ..... 1 126		No reservation.
Same to Michel Lefebvre.	15th November, 1768.	4 $\times$ 30—120. Rent, 11 <i>livres</i> ..... 220 <i>Cens</i> , 1 <i>sol</i> ..... 1 221		No reservation.
Same to Joseph Auger.	29th September, 1806.	Quantity uncertain. Rate, 2 <i>sols</i> of <i>cens</i> and 3 <i>sols</i> for each superficial arpent.		Reservation of all wood for churches, <i>presbytère</i> , mills, manor houses, public buildings—all pine timber for sawing, with liberty however to the grantee to take what was necessary for family purposes, and reservation of all mill-sites, <i>grist</i> and saw.

## Seignior of Ste. Anne de La Pêrade, District of Three Rivers.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Sr. D'Orvilliers to Mat. Periot.	23rd June, 1713.	4 $\times$ 40—160 arpents. Rent, 2 bush. wheat..... 120 2 capons or 1 <i>litre</i> each..... 40 <i>Cens</i> , 1 <i>sol</i> ..... 1 161		No reservation.
Sr. De Lanaudière to Pierre Levesque.	24th May, 1715.	3 $\times$ 21—63 arpents. Rent, 1 $\frac{1}{2}$ capons..... 30 1 $\frac{1}{2}$ <i>boisseau</i> wheat..... 90 <i>Cens</i> , 1 <i>denier</i> ..... 1 <i>den.</i> 120 1 <i>den.</i>		Reservation of wood for grantor's manor and other buildings.

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## Seigniorie of Ste. Anne de la Pérade, District of Three Rivers.—Continued.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Sr. D'Orvilliers, to Frs. Gariépy.	2nd June, 1720.	3 X 40—120 arpents. Rent, 1½ boisseau wheat. 1½ capon a 20 sols. Cens, 1 sol..... 121		No reservation.
De Lanaudière to Louis Serrallier.	9th August, 1771.	3 M 30—90 arpents. Rent, 1 sol each arpent in superficies..... 3 capons or 10 sols each..... Cens, 3 sols..... 1 day's corvée of 30..... 153		Reservation of oak timber and of all other wood for manor house and other buildings.

## Fief Grandpré, District of Three Rivers.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Madame Simonet to François Carpentier.	26th June, 1749.	3 M uncertain. Rent, 6 livres, 10 sols..... Cens, 1 sol..... 130		Reservation of wood for construction of church, presbytery, manor house, &c., and oak for the Crown.
Conrad Gugy to Pierre Pepin.	8th September, 1769.	3 M 30—90. Rent, 2 livres, including the right of Common... Cens, 3 sols..... 60		No reservation.
Barth. Gugy to Joseph Lemay.	9th November, 1795.	3 M 30—90. Rent, 12 livres, 2 sols..... 3 M 30—90. 242 sols.		Reservation of oak timber for Crown, for himself, of all wood, stone and water, for manor house, &c.
Louis Gugy to Jean Lesage.	20th January, 1812.	3 M uncertain. Rent, 1 minot of blé et 4 liv. for every 40 in superficies i. e. 10 livres for each 40 arpents in superficies— 5 sols for each arpent. 63		Same reservations.

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Same to Daniel Arnoldi, Esquire.	15th February, 1802.	4 M Rent, 4 livres and 1 minot de blé for every 40 arpents in superficies—to 3 sols of rent per arpent.		Reservations, an arpent of land for building a mill and all wood necessary for construction of public and manorial buildings.
Same to Same.	5th April, 1802.	12 M Rent, 2 sols and 1 pinte of wheat for each arpent in superficies, or 4 livres and 1 minot of wheat for each 40 arpents—to 5 sols per arpent.		Same reservations.

## Seignurie of Nicolet, District of Three Rivers.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Michel Cressy to Elie Provost.	17th June, 1678.	2 M 40—80. Rent, 1 chapon for each arpent in front or 30 sols..... 2 minots of wheat..... 6 deniers of cens..... 140 6 den.		Reservation of oak, and timber for building houses and mills.
G. P. Cressy, to Vincent Netier.	11th March, 1763.	4 M 20—80. Rent, 8 livres..... Cens, 2 sols..... 160		Same reservations.
P. Cressy to Frs. Desfosés.	20th November, 1792.	3 M 25—75. Rent, 8 livres, 15 sols..... sols... 175		Same reservations.
Same to P. Desileté.	11th February, 1799.	3 M 25—75. Rent, 2 sols and a pinte of wheat for each arpent—5 sols for each arpent..... Cens, 2 sols..... 1 day of corvée or is. 8d..... 40 417 or 24 per arpent.		Same reservations, and reserve of mill-sites, grist and saw—to plant a May Pole.

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## Seigniorly of Three Rivers, District of Three Rivers.

Names of Grantees and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
<i>Compagnie de la Nouvelle-France</i> to Jean Sauvage.	28th July, 1656.	5 $\times$ 30—150. 6 deniers for each arpent..... 75 sols.		No reservation.

## Seigniorly of St. Francois, District of Three Rivers.

Names of Grantees and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Jos. Crevier to Pierre Gamelin.	5th July, 1696.	3 $\times$ 25—75 with an Island, with the right of fishing and shooting. Rent, 8 livres..... 160 3 capons..... 45 <i>Cens</i> , 2 deniers..... 2 den. 205 2		No reservation.
Same to Frs. Bibaud.	20th January, 1712.	Amount uncertain, with right of fishing and shooting. Rent, 5 livres..... 100 3 capons <i>a</i> 30 sols each..... 90 <i>Cens</i> , 1 sol..... 1 191		No reservation.
Same to Joseph Gagné.	25th May, 1729.	6 $\times$ 40—240. Rent, 12 livres, 5 sols..... 245 3 capons <i>a</i> 20 s..... 60 <i>Cens</i> , 2 sols..... 2 307		No reservation.
Widow Crevier to Nic. Cartier.	30th June, 1735.	6 $\times$ 25—150. Rent, 3 livres, 15 sols..... 75 3 capons <i>a</i> 20 s..... 60 <i>Cens</i> , 1 sol..... 1 136		No reservation.

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*Seigniory of Fief Ste. Adélaïde, River David, District of Three Rivers.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Josias Wurtele to Jos. Joyale.	22nd January, 1814.	3 $\times$ 25—75. Rent, 8 <i>minots</i> of wheat. £0 15 0 5 shillings. 0 5 0 <i>Corrée</i> , 2 days. 0 2 6 £1 2 6		Reservation all building materials for churches, mills, other houses, manor, &c. &c., public works, all land for mill-sites on indemnity, and diminishing the <i>rent pro rata</i> . Prohibition of building mills.
Same to Michel Drolet.	30th November, 1823.	3 $\times$ uncertain. Rent, 4 <i>minots</i> of wheat. 24 <i>livres</i> . 10 <i>livres</i> . 10 <i>Cens</i> , 1 <i>sol</i> for every 75 arpents, equal to about 9 <i>sols</i> for each arpent, or 4 $\frac{1}{2}$ d.		Reservations the same.
Jos. Wurtele to Benjn. Thérien.	18th June, 1832.	3 $\times$ 14—42. Rent, 2 $\frac{1}{2}$ <i>minots</i> wheat. s. d. 11 3 6 <i>livres</i> . 5 0 <i>Cens</i> , 1 <i>sol</i> . $\frac{1}{2}$ 16 3 $\frac{1}{2}$		Same reservations.

*Seigniory of Cap de la Magdeleine, District of Three Rivers.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Reverend Jesuits to Jacques Marchand.	24th March, 1666.	4 $\times$ 40—160. Rent, 1 <i>boisseau</i> wheat a. 40 2 capons. 30 <i>Cens</i> , 4 <i>deniers</i> . $\frac{1}{3}$ sols.. 70 $\frac{1}{3}$		Reservation of road on river of 30 feet.
Same to Jean Lemoine.	4th May, 1697.	4 $\times$ 4 <i>ch. rent</i> . 60 4 <i>livres</i> money. 80 <i>Cens</i> , 4 <i>deniers</i> . $\frac{1}{3}$ 140 $\frac{1}{3}$		Same reservation of road and prohibition of all timber except for his own purposes.

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*Seigniorie of Cap de la Magdeleine, District of Three Rivers.—Continued.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Reverend Jesuits to J.-Bte. Larose.	11th May, 1754.	Rent, 1 sol. 4 capons a 15 sols. Cens, 2 sols. 142		Reservation of oak timber of His Majesty's ships—timber for mill and buildings.
Same to Jean Raymond.	2nd August, 1771.	Rent, 6 litres. Cens, 3 sols. 120 3 123		Reservation of timber for church, presbytery, manor house and mills.  Same reservation of oak for ships.
Same to Montizambert.	20th July, 1785.	Rent, 2 litres for each arpent in front. Cens, 3. 160 3 163		Reservation of oak for ships and wood, stone and water for the building of mills, manor house, &c. and other repairs.
Same to Joseph Bonette.	22d November, 1797.	Rent, 3 litres, 9 sols. 69		Reservation of oak timber and materials for building churches, mills, public edifices, manor house and all mill-sites on payment of value of ground, and a proportionate diminution of rent and prohibition to build mills.
Crown to Joseph Brooks.	17th October, 1831.	Rent, 1 sol per arpent. 1 capon or 20 sols for each arpent in front by 20 in depth. 60 60 120		

*Seigniorie of Beancour, District of Three Rivers.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Ez. Hart to Fr. Robichau.	12th September, 1809.	Rent, 2 sols and 1 pinte de bit. For each arpent a 3 sols. 3 M 15—45 superficies, 90 135 225		Reserve 1.—Every mutation the rent to be increased by 1 <i>minot</i> of wheat. " 2.—Of all mill-sites without indemnity. " 3.—All mines, oak timber for the Crown. And for himself all wood, stone, water, building of mills, manor house, &c.

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*Seigniorie of Batiscan, District of Three Rivers.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
François Baby to Louis Massé.	7th June, 1819.	Rent, 8 litres. 2 M 160		Reserve of wood for the mill and mill-sites, mines, oak, &c., similar to the above.
Reverend Jesuits to Benj. Anseau.	2nd May, 1667.	Rent, 1/2 boisseaux of wheat value. 1 capon. Cens, 2 deniers. sols 20 15 2 den. sols 35 2 den.		Other conditions, charges and reservations on deeds of Concession.  Reservation—to leave a road 30 feet wide on the bank of the river.  Same reserve—of road, restriction of use of fire wood to himself.
Same to Jo. Semis.	11th July, 1686.	Rent, 6 litres. 6 capons. 8 M 21—168. 120 60 180		Prohibition to sell all timber and wood on concession, tenant had right to use wood for his own purposes on the concession, but not otherwise—permission to manufacture timber on payment of 1-12th of value, all under certain penalties.
Same to Jean Darion dit Lafontaine.	10th April, 1711.	Rent, 1/2 sol for each arpent. 2 capons. 2 sols of cens. 50 40 2 92		No reservation whatever.
Same to Michel Arsonneau.	14th February, 1722.	Rent, 1 <i>minot</i> of wheat. 2 capons. Cens, 1 sol. 60 30 1 91	This is after the Edict of 6th July, 1711.	Reservation of oak timber for H. M. ships and right of taking all necessary timber for the mills and other buildings.
Same to Chs. Cadotte.	8th May, 1760.	All concessions down to 1760 about same rate. 1 sol for each arpent. 4 capons or. Cens, 2 sols. 4 M 60 2		Same reservation of oak and for use.
Same to Ant. Lareau.	7th December, 1770.	Rent, 1 sol p. arpent. 5 capons or 15 sols. Cens, 1 sol. 5 M 20—100. 100 75 1 sols 176		

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Seigniory of Batiscan, District of Three Rivers.—Continued.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Reverend Jesuits, to Michel Dery.	26th November, 1793.	4 $\times$ 30—120. 6 livres..... 120 4 capons..... 60 Cens, 2 sols..... 2 sols 182		Same reservations.
Same to D. Trudelle.	28th February, 1800.	3 $\times$ 8—24. Rent, 24 sols..... 24 Cens, 2 sols..... 2 sols 26		Same reservations.
Crown for Jesuits' Estates to Prisque Trepannier.	12th September, 1824.	5 $\times$ 20—100. Rent, 1 sol for each arpent..... 100 1 capon or 20 sols in sup..... 70 170		Reservation of oak timber and of materials for building churches, public buildings and manor houses, of all mill-sites or payment of indemnity for value of ground and a proportionate diminution of cens et rentes.

Seigniory of Rouville, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Sr. De Rouville to Jacques Boudry.	28th June, 1826. <i>Tire-notée</i> , no antecedent title, but possession, by permission of the Seigneur.	2 $\times$ 5 arpents, 8 perches and 6 feet—11½. Rent, 2 sols et un pot de blé froment per arpent, 23 sols and ¼ minot wheat, 2 sols of cens and 2 corvées de 30 sols each—in all for rent..... 89 s/s. Cens..... 2 2 corvées..... 60 151 Equal to 6½ an arpent. There is an obligation to pay a sum of money of 203 livres, 11½ sols as 55 years of arrears of rent.		Reservation of all wood for churches, mills, &c.

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Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Same to François Danais.	28th June, 1826. Confirming titles of September, 1815 and January, 1821.	About 3 $\times$ 30—90. 2 arpents, 5 perches and 6 feet $\times$ 6 arpents and 9 feet. Rent for the whole 6 livres, 9 deniers, 2 minots and 12 pils of wheat, 2 corvées. Rent..... 6 liv. sols. dens. Wheat..... 15 .. 12 .. 0 Corvées, &c..... 3 .. 0 .. 0 livres 24 .. 12 .. 9 3 arpents, 8 perches $\times$ 3 arpents and 3 perches. Rent, 1 livre par arpent en superfacte, and 1 livre, 16 sols of cens.		Same reservations.
Same to Emmanuel Vient.	3rd January, 1842.	3 $\times$ 2 arpents and 7 perches—10 arpents. Rent, 20 sols per arpent and 1 livre, 16 sols of cens.		Reservations.—Prohibition to build mills, manufactories, breweries, or other machinery of any nature, moved or propelled by steam, water, wind or any other power without permission of Seigneur. Reserves the right of all water power with the right of cutting canals. The right of appropriating all mines, minerals, stone, marble and timber, the grantee prohibited from dealing in the same. Right of hunting and fishing—all mill-sites and the right of taking all wood and stone for public and private uses.
Same to Ely. Tétro.	11th January, 1842.	3 $\times$ 2 arpents and 7 perches—10 arpents. Rent, 20 sols per arpent and 1 livre, 16 sols of cens.		Same reservations.

Seigniory of Belœil, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Baroness of Longueuil to Thos. Senecal.	28th February, 1836.	1 arpent and 5 perches $\times$ 30—45. Rent, £1 0 and one minot of wheat payable in Montreal, equal to..... £1 6 s valuing wheat at 6s. 8d. Condition also that the grantee and his assigns shall be always liable personally even in cases of sale and this condition is repugnant to the <i>Bas et cens</i> . 45 arpents in superficies. Rent, £1 0 0 and 2 minots of wheat, equal to (valuing wheat at 6s. 8d.)..... £1 13 4		Reservation of all wood for building churches, manor houses and other buildings, right of taking land for construction of mills on paying for improvements if any are made.
Same to Antoine Guyon.	28th February, 1838.	45 arpents in superficies. Rent, £1 0 0 and 2 minots of wheat, equal to (valuing wheat at 6s. 8d.)..... £1 13 4		Same conditions and reservations.
Same to Messrs. Primeau.	19th July, 1839.	45 arpents in superficies. Rent, £1 0 0 and 2 minots of wheat, equal to £1 13 4		Same conditions and reservations.

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## Seigniory of Foucault or Lucolle, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
General Christie to William Wilson.	7th January, 1791.	112 arpents in superficies. Rent, 39 livres 4 sols..... £1 12 8 1 day corvée or 5s..... 0 5 0 1 17 8		The right of directing water courses for mills, all timber and material for building purposes public and private. Prohibition to build mills, a log pool sawlogs—reservation of six arpents for construction of mill on payment for the improvements if any should happen to be made.
Same to Peter Maston.	8th September, 1796.	4 $\frac{1}{2}$ 28—112. Rent, 39 livres 4 sols, and 4 sols of cens..... £1 12 10 Corvée, 5s..... 0 5 0 1 17 10		Same conditions and reservations as the last.
General Burton to Nel. Hotchkiss.	11th March, 1816.	2 lots of 4 $\frac{1}{2}$ 28—224. Rent, £5 12s. 4d. for the whole concession, that is at 6d. per arpent.		Same reservations and conditions.
General Burton to Hotchkiss.	28th March, 1817.	4 $\frac{1}{2}$ 28—112. Rent, the same at 6d. per arpent.		Same conditions.
General Burton to George Hay.	25th February, 1824.	4 $\frac{1}{2}$ 45—180. Rent, 4 $\frac{1}{2}$ d. per arpent and 1 $\frac{1}{2}$ for cens..... £3 8 0 In addition, the concession states that the lot was improved, having been formerly granted and retroceded. The grantee undertook to pay £250 for the concession which was paid as appears by the receipt on the deed.		Conditions, the same.

## Seigniory of Noyan, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
General Christie to Garrette Barron.	8th October, 1792.	128 arpents in superficies. Rent, 44 livres 16 sols..... £1 17 4 1 day's corvée or 5s..... 6 5 0 £2 2 4		Reservation of all wood for public and manorial purposes, reserve of pine and oak for masts, &c. Prohibition to export from the Seigniory any sawlogs. The right to direct all water courses and right of mills.

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## Seigniory of Beauharnois, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Same to James Struthers.	15th July, 1797.	4 $\frac{1}{2}$ 23 and 5 perches—92 $\frac{1}{2}$ . Rent, 24 livres 3 sols..... £1 0 1 $\frac{1}{2}$ Cens, 4 sols..... 0 0 2 £1 0 3 $\frac{1}{2}$ The rent in these cases, if paid in dollars or crowns, is to be paid or reckoned, the crown at 5s. and the dollar at 4s. 4 $\frac{1}{2}$ d.		Same reservations.
Sr. De Beauharnois to Jean-Bte. Laviolette.	9th February, 1759.	3 $\frac{1}{2}$ 30—90. Rent, $\frac{1}{2}$ minot of wheat and 30 sols for each arpent in front by 30 in depth..... £1 0 0 Valuing the wheat at 3 livres a minot..... 0 7 6 120 sols 0 0 1 £1 7 7		Reservation of wood necessary for public and manorial buildings and fencing, and wood for building for himself.
Alex. Ellice, Esquire, to Jacques Tessier.	25th January, 1799.	2 $\frac{1}{2}$ 40—80. Rent, 4 minots of wheat..... £1 0 0 And 9 livres..... 0 7 6 Cens, 2 sols..... 0 0 1 Equal to about 4 $\frac{1}{2}$ d. for each arpent.		Reservation of all wood and materials for public and manorial buildings—of all oak and other timber for ships and pine masts, prohibition to carry beyond the limits of the Seigniory all saw logs, allowing Cens, <i>zavre</i> to use timber for his own purposes, right to take lands for mills on paying the costs of culture alone.
The Hon. J. Richardson, cur. to Geo. Ellice to Antoine Tessier.	30th August, 1824.	A lot of irregular figure, and about 15 arpents in superficies. Rent, 5 livres; and 1 minot of wheat, equal to about 9s. 2d. valuing wheat at 5s.		Same reservations.
Alex. Ellice to William Ralston.	30th April, 1802.	100 arpents. Rent, in the year 1802—3—4, 2d. for each arpent, 1805—6, 5s. for the lot. 1807—8, 10s. do. 1809, thence forward 25s. and 5 minots of wheat, making with the wheat at 5s. £2 10 0		Prohibition to build mills of any kind, condition to levy by distress for all arrears of rent and reserves of all mill-sites.
Tyre-Nouvel, by the Rt. Hon. E. Ellice to Robert Brodie.	Date of original grant, 27th April, 1802.	4 $\frac{1}{2}$ 25—100. Rent, 30 livres and 5 minots of wheat, valuing wheat at 5s. is equal to..... £2 10 0		Reservations, as in the case of Tessier of 25th February 1799.
Tyre-Nouvel, by Same to Robt. Orr; Wilson.	Date of original grant, 30th August, 1830.	2 $\frac{1}{2}$ 50 $\frac{1}{2}$ —100. Rent, 14 livres 2 sols and 5 minots of wheat.		Same conditions.

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## Seigniorie of Beauharnois, District of Montreal.—Continued.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
<i>Titre-Nouvel</i> by the Rt. Hon. E. Ellice. to Robert Broodie.	16th March, 1840. Original grant, the 30th April, 1802.	4 $\frac{1}{2}$ 25—100. Rent, 25s. and 5 <i>minots</i> of wheat..... £2 10 0		Reservation of timber for public purposes and of mines, &c. for manor house, &c.

## Seigniorie of Terrebonne, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession, not imposed by Law.
F. De la Valtrie to Frs. Godard.	15th June, 1780.	2 & 6 feet by 4—80 & 220 feet. Rent, 2 <i>sols</i> ..... 160 5 <i>sols</i> of <i>cens</i> ..... 5 Rates declared in concession to be <i>suitant l'usage et l'ancienne coutume suivie en ce pays.</i> <i>sols</i> ... 165		Prohibition to build any grist or saw mill without the permission of Seigneur, and reservation by Seigneur of all water privileges for those mills, all stone for mills, and other purposes.
Same to André Gauthier.	9th July, 1782.	Same rent; Same declaration.		Same reservations.
R. McKenzie to Neil Gills.	30th December, 1822.	3 $\frac{1}{2}$ 22 $\frac{1}{2}$ —67. <i>Cens</i> , 5 <i>sols</i> ..... 5 Rent, 2 <i>sols</i> ..... 134 $\frac{1}{4}$ bushel wheat for every 20 superficial arpents <i>Sd.</i> at 6s. 8d. a <i>minot</i> ..... 244 12s... 483 20s... 40 1 $\frac{1}{2}$ £2 0 1 $\frac{1}{2}$		Reservation.—Right to change all water courses for milling purposes, <i>titre-nouvel</i> at the expense of tenant on every mutation of Seigneurie, right of taking all timber, stone and other materials for all mills, manor and other houses, and all other improvements on domain of Seigneur, besides for public purposes without indemnity, of all mill-sites and ground for that purpose, prohibition to build mills of every description whatever without leave.

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*Seigniorly of St. Hyacinthe, District of Montreal.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
M. Dessaules to Frs. X. Carnet, acceptant for Alexis Dessels.	22nd September, 1834.	<p>1½ x 37 arpents—55½</p> <p>Rent, 1 sol 4 deniers for each arpent in superficies..... s. d. 74 10</p> <p>Cens, 2 sols..... 2 0</p> <p>2 corvées, at 3 livres..... 76 10</p> <p>Nearly 4 sols per arpent..... 120 0</p> <p>196 10</p> <p>sols..</p>		<p>Reserves.—All pine and oak timber, all wood, stone and materials for building churches, mills, manorial buildings, forges and manufactories, all fire wood on 1 arpent in every 20.</p> <p>Res.—Mines, minerals and all mineral waters, of 6 arpents for building mills, manufactories, forges and other machinery, of working all mines, minerals, &amp;c. and land for building church school, and other public purposes. The right of directing and detaining all waters. Prohibition to build any mill, or any machine or manufactory by water.</p>

*Seigniorly of L'Acadie, Barony of Longueuil, District of Montreal.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
David A. Grant, Esq. to Thomas Busby.	30th May, 1800.	<p>4 x 28—112.</p> <p>Rent, 1 sol tournois per arpent..... 112</p> <p>½ mout of wheat for each 20 arpents and 5s. equal to 3 sols per arpent..... 336</p> <p>Cens, 3 sols..... 3</p> <p>2) 451</p> <p>12) 225½</p> <p>18s. 9½</p> <p>Observations.—It appears by a deed of the 9th March 1801, that the said Busby, said to have been the agent of the grantor, sold the same land to one J.-Bte. Surprenant for 1400 livres court.</p>		<p>Reservation of wood and other materials for building of public and manorial buildings without indemnity. The right of taking the land for all mill purposes upon paying for the costs of culture, if any have been incurred, and diminishing the rent <i>pro rata</i>.</p>
Baroness of Longueuil to Joseph Piedaluc.		<p>4 x 28—112.</p> <p>Rent, 1 sol for each arpent..... 112</p> <p>and ½ mout of wheat for each 20 arpents..... 336</p> <p>Cens, 2 sols..... 2</p> <p>2) 450</p> <p>12) 225</p> <p>18s. 9d.</p>		<p>Same reservations.</p>

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*Seigniory of Sabrevois, District of Montreal.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession
General Burton to Eloi Roy.	17th November, 1817.	3 lots of land. 4 arpents each by different depths. Rent, 9 $\frac{1}{4}$ sols for each arpent in superficies, and 1 sol of <i>cens</i> for each arpent in front. Equal to about 5d. per arpent.		Reservation of all wood for public and manorial buildings. Prohibition to build mills of any kind—reserve of oak and pine for masts for the Crown, and reserve of all mill-sites, and six arpents for building mills on paying indemnity if the ground be improved, with a <i>pro rata</i> diminution of rent.
Two other concessions in same Seigniory on same day.		Same rates.		Same reservations.

*Seigniory of De Léry, District of Montreal.*

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
General Christie to Etienne Dumas.	21st March, 1791.	4 $\frac{1}{2}$ 22 $\frac{1}{2}$ —90. Rent, 11 <i>livres</i> , 7 <i>sols</i> for 90 arpents, and 1 <i>sol cens</i> for each arpent in front. Equal to 11 <i>livres</i> , 11 <i>sols</i> . . . . . 9s. 7 $\frac{1}{2}$ d.		Same conditions as in the Seigniory of Sabrevois.
General Burton to Const. Cartier.	23rd June, 1801.	Rent . . . . . 4 $\frac{1}{2}$ 28—112. <i>Cens</i> , 1 <i>sol</i> . . . . . 19 3 $\frac{1}{2}$ In these concessions, it is stipulated that the rent if paid in coin, the Spanish Dollar shall be taken at 4s. 4 $\frac{1}{2}$ d. and the French Crown at 5s.		Same reservations.
General Burton to James Ogden.	4th October, 1827.	Emplacement at Napierville, 1 arpent, 20 perches in superficies for. . . . . £1 4 0		Same reservations.
Same to M. A. Daunais.	26th November, 1835.	2 Emplacements, each containing 110 perches, 10s for each arpent in superficies, and $\frac{1}{2}$ of <i>cens</i> , making for the whole. . . . . £1 2 1		Same conditions.

## Seignior of Monnoir, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of <i>Cens et Rentes</i> .	Differences between the Rates of <i>Cens et Rentes</i> .	Other conditions, charges and reservations on deeds of Concession.
Sir J. Johnson to Louis Louselle.	23rd June, 1801.	2 M Rent, 1 sol for each arpent, $\frac{1}{2}$ <i>minot</i> of wheat for every 20 arpents in superficies, equal to 2d. an arpent, charging the wheat <i>a</i> 5s. per <i>minot</i> .		Usual reservation of timber for the Crown, for public and manorial buildings, also a reservation of all pine timber and mill-sites for grantor, allowing grantee to take timber for his own purposes, all without indemnity.
Same to John Johnson.	20th March, 1820.	9 M 30—270. Rent, 6 livres, &c. . . . . 120 1 <i>minot</i> of wheat for every 30 arpents in superficies. . . . . 1050 1 day's <i>corvée</i> with 2 horses or 5s. . . . . 120 120) 1320 4) 11 £2 15s. or nearly 5 sols for each superficial arpent.		Reservation of all mill-sites without indemnity, of all description of wood, lime-stone and other materials for building public and manorial mills, and the use of his farm, all without indemnity. Special reserve of all pine and cedar wood allowing grantee to take for his own uses.
Same to Etienne Poulain.	19th May, 1823.	3 M 30—90. Rent, 1 sol for each arpent. . . . . 90 and $\frac{1}{2}$ <i>minot de blé</i> for 20 arpents, 3 sols per arpent. . . . . 270 <i>Cens</i> , 2 sols. . . . . 2 362 4 sols per arpent.		Reservation of all wood for public and manorial buildings, all oak for the Crown, all pine for sawing for the Seigneur with use however to <i>Censitaire</i> —all mill-sites.
Same to James McGee.	9th September, 1823.	3 M 30—90. Rent, 1 $\frac{1}{2}$ and 1 <i>minot</i> of wheat for every 30 arpents . . . . . £1 10 0 <i>Cens</i> , 2 sols . . . . . 0 0 1 £1 10 1		Same reservations.
Hon. J. R. Rolland to Louis Ostigny.	3rd November, 1827.	2 lands 3 M 30—90. <i>Cens</i> , 2 sols. Rent, 7 livres for every 90 arpents in superficies and $\frac{1}{2}$ <i>minot</i> wheat for every 20 arpents, equal to 4 sols and $\frac{1}{2}$ for each superficial arpent. Besides the rent the grantee binds himself to pay to the Seigneur the capital sum of 900 livres. A piece of ground is granted at the rate of 1 <i>minot</i> of wheat and one Spanish Dollar for every 30 superficial arpent, and reckoning the wheat <i>a</i> 5s. would be equal to 4d. per arpent.		Reservation of oak for all public and manorial buildings without indemnity.

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Seignior of Monnoir, District of Montreal.—Continued.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession.
Same to Jos. Rainville.	5th March, 1829.	In all these concessions the wheat is valued at 5s.		Reservation of all mines, mill-sites, without indemnity, and all timber and other materials for public and manorial buildings.

Seignior of the Island of Montreal—Côte St. Subpice, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession, not imposed by law.
Seminary of Montreal to Bernard Belair.	4th May, 1681.	8 arpents $\times$ 20—160. Cens, 6 deniers for each arpent..... 80 sols. Rent, $\frac{1}{2}$ minot wheat for each 20 arpents 4 minots..... 100 240 sols.	There is a Judgment of the <i>Cour Royale</i> of Montreal, 8th May, 1699, adjudging arrears under this deed, valuing the wheat at 3 livres.	Reservation of front road of 36 feet, and ground for other roads—and of the right of cutting firewood and timber at will of the grantor.
The Same to Pierre Sabourin.		3 $\times$ 20—60 arpents. Cens, 6 deniers each arpent..... 30 sols. Rent, 1 $\frac{1}{2}$ minot wheat..... 60 90 sols.		Same reservations.

Seignior of Laprairie de la Magdeleine, District of Montreal.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession, not imposed by Law.
Reverend Jesuits to Jean Bouthillier.	24th June, 1672.	2 $\times$ 20 arpents—40 arpents superficies 1 sol of <i>rente</i> each arpent..... 40 sols. 2 capons, equal to..... 30 Cens 2 deniers..... $\frac{1}{2}$ 70 $\frac{1}{2}$ sols.		Reservation of right to cut wood for all their wants, firewood excepted.

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Appendix (F.)  
4th October.

Names of Grantors and Grantees.	Dates of Original Concessions to Tenants.	Extent of land granted, in superficial arpents, and rates of Cens et Rentes.	Differences between the Rates of Cens et Rentes.	Other conditions, charges and reservations on deeds of Concession, not imposed by Law.
Same to André Marcell.	26th November, 1679.	4 $\times$ 20—80 arpents. Rent, 2 minots wheat..... 80 sols. Cens, 4 deniers..... $\frac{1}{2}$ 80 $\frac{1}{2}$ sols.		Same reservation.
Same to Antoine Rougy.	11th June, 1699.	2 $\times$ 30—60 arpents. Rent, 3 times..... 60 sols. 2 capons valued..... 40 Cens, 1 sol..... 1 101 sols.		Same reservation.
Same to Reverend Jesuits to J. B. Foucher.	7th June, 1712.	3 $\times$ 20—60. Rent, 1 sol each arpent..... 60 sols. 3 capons or..... 60 Cens, 1 sol..... 1 121 sols.		Same reservation.
Same to Frans. Brosseau.	23rd July, 1754.	4 $\times$ 30 arpents—120. Rent, $\frac{1}{2}$ minot for each 20 arpents..... 90 sols. 1 sol each arpent..... 120 210 sols.		Same reservation.
Same to Pierre Babin.	1768.	3 $\times$ 30—90. Rent, 1 sol each arpent..... 90 sols. $\frac{1}{2}$ minot wheat each 20 arpents 2 $\frac{1}{2}$ ..... 135 225 sols.		Same reservation.
	14th March, 1799.	3 $\times$ 23 sept perches—70 arpents. Rent, 1 sol for each arpent..... 70 sols. 1 quart of wheat for each arpent Cens, 3 sols.		Reserving right of cutting wood and taking stone, lime and sand for public purposes, manor and other houses and mills. Prohibition to build mills of any description.

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Kingston:

DESBARATS & DERBISHIRE, Printer to the Queen's Most Excellent Majesty.

1844.

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REPORT of the Commissioners on the Administration of Justice in the Inferior District of Gaspé, laid before the Legislative Assembly, by command of His Excellency the Governor-General, Wednesday, 4th October, 1843.

Appendix  
(G.)

4th October.

Appendix  
(G.)

4th October.

MAY IT PLEASE YOUR EXCELLENCY :

In pursuance of the Commission issued by Your Excellency under the Great Seal of the Province, bearing date the ninth day of July last, by which we were appointed Commissioners to inquire touching the Administration of Justice in the Inferior District of Gaspé, and the Laws now in force regulating the same, with the view and intent of ascertaining the operation of the several Courts of Superior and Inferior Jurisdiction, as well civil, as criminal, at present established in that District; the conveniences and inconveniences experienced from the terms and places at which the same are now respectively holden; the state, number, situation and sufficiency, of the various Court Houses, Gaols, and other public buildings within that District at present erected at the public expense, or employed for uses connected with the administration of Justice, and the efficiency of the Magistracy, Militia, and Constabulary force, as at present constituted for the purposes of Police, the repression of crime, and the security of Her Majesty's subjects and others there residing or resorting; and authorising us, for these purposes, to collect all the requisite information, documentary or otherwise, connected with the premises; and requiring us thereupon to report to Your Excellency as well upon these various points as whether, in our opinion, it would be desirable to make any alterations, changes, or modifications, either in the constitution, jurisdiction, powers or authority of the said Courts, or the local divisions or subdivisions thereof, or in respect of any other of the subjects or matters before enumerated, to which our inquiries were to be directed;—

We beg leave respectfully to inform Your Excellency, that we left Quebec on this service on the twelfth of July; and having landed at Grande Grève, in Gaspé Bay, the nearest settlement of the District which the steamer could reach, we proceeded to Gaspé Basin, the seat of the Custom House establishment, and the principal harbour and resort of shipping in the Western Division of the District. Commencing our inquiries there by personal communication with the Magistrates, Public Officers and principal inhabitants of the neighborhood, and by transmitting to them a series of questions embracing all the objects of the Commission entrusted to us, of which questions we annex a copy to this our Report (Appendix C.), we passed onwards along the coast to Percé and to New Carlisle on the Bay of Chaleurs, the principal seats of business, and the chief places of holding the Courts and Sessions of the Peace in the respective Counties of Gaspé and Bonaventure. We then proceeded to the upper parts of the Bay of Chaleurs, and to a point on the Ristigouche River, seventy-five miles above New Carlisle, beyond which there is no settlement containing a considerable collected population; and from thence we retraced our steps to Gaspé Basin and Grande Grève, and returned to Quebec on the twenty-first of August. In making this circuit of the District we visited, in going or returning, almost every settlement within the limits we have mentioned, passing several days at the more considerable places, where the principal civil authorities were to be found. At New Carlisle and Percé, where the General Sessions of the Peace were holding, we availed ourselves of the opportunity of meeting the inhabitants collected upon that occasion, and of making known to them the object of the commission with which we were charged; for the same pur-

pose we assembled the principal inhabitants at various places on our route, or met them at their own request, and explained to them the earnest desire of Her Majesty's Government in this Province, to receive, through us, the fullest information as to the operation of the whole existing system of Judicature in the District, the evils or inconveniences, if any, arising from it to the population, and the best means of applying a remedy. We called upon them to communicate with us freely, fully, and unreservedly on these points, either personally or by answers to the written series of questions which we circulated among them; we impressed upon all, whether public functionaries or private individuals, that we were instructed "to ascertain the opinions generally entertained in the different localities, and by persons of different political views," on the points within the scope of our inquiry; and that the object of our Report, as pointed out by our instructions, would be "to place the Executive Government and the Legislature in full possession of the facts of the case, and of the view taken by ourselves as to the changes, if any, required to increase the efficiency and popularity of the system of Judicature in the District," and of the authorities and institutions connected therewith; but we took every care at the same time, to let it be clearly understood that our inquiry reached only to the operation of the system, and not to the personal conduct of any functionary to whom the execution of any part or branch of that system was committed.

The unreserved communication thus invited by us, was freely and fully afforded, not only by Public Officers (with two exceptions) but by the people at large, to whom we addressed ourselves; and who by their universally cordial reception of us, manifested their gratitude to Your Excellency and the Representative branch of the Legislature, for the public inquiry thus instituted, and seemed to derive from it a cheering hope, that the long period of indifference and neglect of their interests, of which they had so much cause to complain, was drawing to a close.

Upon the information which we have thus obtained, both in written answers to our queries, and otherwise, we have now the honor to submit to Your Excellency, under the various heads of our inquiry, the following

#### R E P O R T .

The Inferior District of Gaspé was first created, and a Judicature established within it, by the Provincial Statute of Lower Canada, 34 Geo. III. c. 6, by which a Provincial Court was erected, to consist of one resident Judge, whose jurisdiction was limited to twenty pounds in personal actions only, without power to issue execution upon judgments against the person or real property of the debtor. In matters above the jurisdiction of the Provincial Judge, recourse was had for justice to the Court of King's Bench at Quebec.

This system continued until the year 1822; shortly before which period (in 1819) a Commission having been appointed under an Act of the Legislature to inquire into and settle the titles to land in the District, the attention of Government and of the Legislature was drawn to the growing importance of that part of the Province, and to the ne-

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cessity of enlarging the extent of its local Judicature; and the Act of 2 Geo. IV. c. 5. was passed, by which, as subsequently amended by the Provincial Act, 4 Geo. IV. c. 7, the jurisdiction of the Provincial Judge was extended to all suits and actions, personal, real, or mixed, to the amount of one hundred pounds, currency, except in cases within the Admiralty jurisdiction. An appeal, however, was allowed to the Court of King's Bench, at Quebec, in matters above twenty pounds, sterling; and (by the 4th Geo. IV. ch. 7) in all cases of whatever amount, relating to any fee of office, duty, rent, revenue, or sums of money due to His Majesty, or other matters where the rights in future may be bound. The Judge was empowered to issue writs of *capias* or attachment, before judgment and execution was allowed to issue from the Provincial Court, against real property, upon judgements exceeding ten pounds, addressed to the Sheriff, either of the Inferior District, or of any other District where the property may be situated; such property to be seized and sold in the same manner as in the other Districts of the Province, after being advertized, for the time required by law, in the Quebec Gazette. The Judge was invested with the power of granting writs of *habeas corpus*, and provision was made for trials by Jury being had in civil cases, as in the other Courts in the Province, of civil jurisdiction.

The terms of the Provincial Court, after undergoing several alterations by the Legislature, now stand fixed as follows:

At New Carlisle.....	1st to 10th March,	for causes not above £10.
	11th to 20th "	for causes above £10.
	11th to 20th Sept.,	for causes not above £10.
	21st to 30th "	for causes above £10.
At Carleton.....	1st to 10th July	for all causes.
At Percé.....	1st to 10th August,	for all causes.
At Douglasstown, ..	16th to 25th "	for all causes.

Such is the system under which, in matters of civil right, justice is now administered in the Provincial Court of the Inferior District of Gaspé; and having been adopted, as a mere experiment, twenty years ago, when the wants and resources of the District were becoming but slowly developed, and its interests, if at all seriously weighed as connected with the prosperity of the Province at large, were but imperfectly understood, it was, in the natural course of things, to be expected that such a system should now, after such a period of advancement in all the elements of prosperity, be found utterly unsuited to the interests, wants, and wishes, of the population of the District.

We feel that we cannot better or more forcibly illustrate the unsuitableness of the present system of Judicature, to the present state of the District, than by exhibiting, in the words of the Member of the Provincial Legislature for the County of Gaspé, the change which has taken place in the condition of the District and its population, since the Act of one thousand eight hundred and twenty-two was passed; attesting as we do, at the same time, from our own observation, and the information derived from other sources, the reality and extent of that change as described by him, as well as of the singular contrast which he notices in the results of a different system in the adjoining Province of New Brunswick.

"You are now, by coming along this coast, acquainted with the chief localities of the District, and the facts I am about to mention will be intelligible to you, although to others who have not had that advantage, they may not be so. In 1822 (the period of the enactment alluded to) the population of the District of Gaspé, did not exceed by much, if any, six thousand, whereas it now, I have

reason to believe, exceeds fifteen thousand. There was not, except in the village of Percé, any thing like a road or highway in the County of Gaspé, nor was the County of Bonaventure in a much better state; the streets in that village were narrow, miserable lanes. Their present enlarged state is an improvement. In 1819, when I first visited Percé, the now populous and thriving settlement at Cape Cove was not commenced. There was not even a foot-path to it, or to any of the settlements along the coast from Percé, the inhabitants being obliged, in their intercourse with each other, to pass and repass back and forward, in boats, or along the beach and under the cliffs, sometimes at the risk of their lives. It was then supposed that a road was impracticable. I recollect being told, by a respectable inhabitant of Ance à Beaufils, who had come to Percé (five or six miles), and called upon me on business, that a road between Percé and the Ance could never be made, owing to the nature of the ground over which it must pass, which he represented as mountainous and cut up with *impassable ravines* or gullies. At Cape D'Espoir, Mr. Beck (father of the present inhabitant, John Beck, Esquire,) was the only inhabitant. There are now several. From thence to Grand River (twelve miles or thereabout) there were but two or three small houses, and those at Little River. There is now a tolerable carriage-road the whole distance (twenty-one miles) from Percé to Grand River, passing through the several settlements above mentioned, made by the industry of the inhabitants themselves, without assistance from the Legislature, and the whole well settled. The road from Grand River inward to Pabos, Newport, Point Mackerel, and Port Daniel, is open, though in an unimproved state, and the whole, as you must have perceived, in progress of settlement. Newport was then, as it now is, a populous settlement, and fisheries, to a considerable extent, were, and still are, carried on at it. At Port Daniel there was an old settlement of Acadians, but, from that place to Nouvelle River, there was no road, not even a foot-path, and but two or three huts at Michigawacke Brook—it was a solitary and dreary looking coast. The whole tract is now settled, and a good road runs through it. There are several fine farms on this tract, and the inhabitants generally appear in prosperous circumstances. From Nouvelle River to Bonaventure, including Hope and Carlisle, there was an indifferent road, it is now a very good one. But from Bonaventure to Black Cape, at New Richmond, there was neither road nor settler. There is now a middling good road, and all settled; and at Black Cape, then a wilderness, the best farms, and the most independent farmers in the District, are now to be found. In Maria, the settlement whereof was then only beginning, there was scarcely a foot-path. The road through this Township is now excellent, and the township exceeds, in population the neighbouring township of Carleton, a much older settlement, and the principal place in the upper parts of the Bay des Chaleurs. In the Ristigouche there were but few inhabitants other than the Indians, and no trade but what was afforded by the salmon fishery, now dwindled to nothing. Upwards of a hundred ships, laden with timber for Britain, annually, for several years back, have sailed from it. There are, however, localities sadly in arrears, and among them I regret to point out the Bay of Gaspé, which has but slowly advanced in the march of improvement, owing to the great difficulties to be overcome, and the neglect it has experienced from the Government and Legislature, and signally so at the late session, in respect of the appropriation towards roads in this District. But the general prosperity and improvement of the District have advanced prodigiously, considering the disadvantages the people have had to contend with, and

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I think I may safely say the business of it has increased an hundred fold, during the last twenty years.

"You have here, by the way, at Ristigouche, a striking instance of the advantages accruing to a community where there is a Police and good administration of the laws, over another in its neighbourhood, not having these advantages. Contrast the state of this with that of the other side of the river, and see the astonishing difference. Look at the flourishing little towns of Dalhousie and Campbelltown; neither of these towns existed nor were contemplated at the period of which I am speaking, (1822). All the merchants doing business on this river, reside on the other side, and at one or other of those towns, none, as they themselves will tell you, think they can safely carry on business on this side, and this, owing solely to our imperfect Judicature and want of Police. The ships they dispatch for Britain are, in a great measure, laden with the produce [timber] of this [Canada] side. A Judge from Frederickton or St. Johns, annually visits them to hold a Circuit Court of Superior Jurisdiction, Civil and Criminal, at Dalhousie, where the Justices of the Peace for the County sit with him. The Justices of the Peace also regularly hold their General Quarter Sessions at the same place, exercising a Civil as well as Criminal Jurisdiction, taking cognizance of debts of a personal nature, to any amount. There is an effective Militia and Police throughout the county; at Dalhousie an elegant Court House and substantial Gaol, and, to crown all, excellent roads, towards which, in common with other highways throughout the Province, the Legislature annually makes liberal appropriations. How imbecile is our state compared with theirs! Yet it is entirely owing to their superior Police and administration of justice, for all the natural and local advantages are in our favour, particularly as to soil; and, strange to say, even *climate*. I deem it a fortunate circumstance for this locality, that you have come up thus far, as you can yourselves bear witness, in a great measure, to the fidelity of the picture I am sketching, and that it is neither exaggerated nor fanciful. Such was the District of Gaspé then [1822], and such it is now [1842], and how altered! Yet its Judicature remains unchanged, as if suited to all times and circumstances."

It will be no matter of surprise, therefore, that the result of our inquiry should be the conclusion which we now submit to Your Excellency, that the existing system of Judicature in the Inferior District of Gaspé, has failed to answer the ends which the Legislature must have had in view in establishing it, and has utterly and deservedly lost the confidence of those who live under it; no words that we can use can exaggerate the distrust and dissatisfaction with it, expressed to us with one almost unvaried voice, by all classes of the people who have had occasion to seek for justice in the Courts, from the fisherman in his boat to the merchant of extensive dealings, and from Gaspé Baisin to the Ristigouche. We beg leave particularly to point out, for Your Excellency's consideration and attention, the general tenor of the answers we have received (as annexed in the Appendix) to the 18th, 19th and 20th of the questions circulated by us, and more particularly to the answers of some of the principal merchants and traders of the District, to our supplementary question: "whether, within their knowledge, individuals have sacrificed debts or claims of considerable amount, or have not endeavoured to recover them by law, in consequence of the defects of the present system of Judicature in the District, or from want of confidence in it."

From these answers it will be evident that the class of the community which has most frequent occasion to resort to Courts of law, has no confi-

dence of obtaining justice under the present organization of the Judicature, and a confirmation of this conclusion may be drawn from a view of the business of the Court, during the last three years, as exhibited by the returns made to us, from which it appears, that the whole number of actions instituted during that period, in the Terms at New Carlisle and Carleton, in matters between ten pounds sterling and one hundred pounds, was fifty-five, and that while seventeen such actions had been brought at New Carlisle, in the term of September, one thousand eight hundred and thirty-nine, the number had diminished to five, in September one thousand eight hundred and forty-one; and in the County of Gaspé, the number of such actions had diminished, in the same period, from thirty-two to seventeen. It can scarcely be supposed that, in a District containing a population in general actively engaged in business, and where such extensive commercial transactions were carried on in those years in the lumber trade, ship-building and the fisheries (to which we shall hereafter have occasion to advert), there should have been so small and decreasing a number of matters of this value brought into actual litigation, if there had been confidence in the Tribunals of Justice.

The force and extent of the feeling of distrust and dissatisfaction, which we have described, would alone, as it appears to us, be a sufficient reason for attempting some remedy by a change of system.

In seeking for the causes of this dissatisfaction, although it will be seen that the persons from whom we have received written information, attribute the evils complained of in part, to the personal mal-administration of a vicious system, we are of opinion that the defects of the system alone, which cannot be denied, are sufficient to account for much of its injurious operation, and we only now advert to the other cause which has been assigned, for the purpose of stating that while we studiously discouraged, and as far as possible repressed, accusations or complaints against the personal conduct, character or capacity of individuals connected with the administration of justice; we found these grounds of want of confidence to be too generally prevailing to be kept out of sight, and we have not therefore felt ourselves at liberty to mutilate or suppress any part of the written communications to this purpose, which we have received, being convinced, in annexing them *in extenso* to our Report, that no other effect will be allowed to them by your Excellency than is consistent with justice and the public good.

We deem it right also to remark, that, while we found some exceptions among well informed persons to the universality of this feeling of want of confidence and dissatisfaction which we have described, we found none prepared to say that a change of system is not required, and from the opportunities we had, of becoming acquainted with the divisions and oppositions prevailing in the community, we are distinctly enabled to trace the diversity to which we allude, to the prevalence of personal, local or party influences, little conducive to the formation, or at least to the expression of impartial opinion.

The defects complained of, and which we fully recognize in the existing Judicature of the District, are:—

*First*.—That the jurisdiction to the extent of twenty pounds without appeal, and of one hundred pounds with appeal above twenty, is too large to be entrusted to one Judge, in a District so remote, and at the same time, of such growing importance, and characterized by such peculiarities of social condition as that of Gaspé.

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Such an extent of jurisdiction is, in both its parts, an anomalous departure from the system which has been adopted by the Legislature in other parts of the Province. There, the Judges of the King's Bench, though far more advantageously placed for safe and correct decision than the Provincial Judge of Gaspé, having at hand enlightened and experienced brethren on the Bench, to aid them in cases of doubt, and an able Bar conducting cases before them, and with intelligent public opinion to restrain or uphold them, have never been allowed to exercise singly a jurisdiction above ten pounds, sterling, with or without appeal, and it is only lately that there has been given to the Judges of the District Courts a jurisdiction to the amount of twenty pounds, but with an appeal above fifteen pounds. Considering the position of a Judge residing in the District of Gaspé, and the narrow fortunes of its inhabitants in general, we do not conceive it desirable or safe to entrust to the sole decision of one person, even matters to the amount of twenty pounds, without appeal, and still less causes involving an amount of one hundred pounds. We fully concur in the remarks of the Member for Gaspé, on this head, who observes:—"The whole fortunes of many in the District, who appear to be in easy circumstances, and, in fact, are so, considering their frugality, does not exceed one hundred pounds, and if even half that amount were levied upon them under a false or erroneous judgment, they would be irretrievably ruined. Yet, by the existing law, the resident Judge is the sole arbiter of many such fortunes." To this we will add, that the appeal to the Court of King's Bench at Quebec, which is now allowed by law, in matters above twenty pounds, and under one hundred pounds, being necessarily attended with great delay and expense (amounting, in some cases, to twenty pounds, or more, in a common possessory action) does not appear to us to compensate or to remedy the disadvantage of leaving such a jurisdiction in the hands of one Judge.

*Secondly.*—Another defect in the existing system, which is felt in an increasing degree as the prosperity of the District advances, and commercial transactions extend, is found in the necessity of resorting to the Courts at Quebec, in all matters above one hundred pounds, currency. The difficulty, delay, and expense of carrying a suit of this description through a Court distant more than five hundred miles from the place where both the parties and their witnesses may be resident, have been represented to us, and we believe truly to be such as to produce serious loss, inconvenience and restraint in the ordinary transactions of business.

*Thirdly.*—Another defect of the present system, though rather in detail than in principle, consists in the imperfect provisions of the law, with respect to the sale of real property taken in execution, under judgments either of the Provincial Court or of the Court of King's Bench at Quebec. Well authenticated instances have been brought to our knowledge where real property of considerable value has been sold by the Sheriff, at a ruinous sacrifice of the interests of both creditor and debtor, in consequence of the want of sufficient publicity as to the time and place of sale. Advertisements in the Quebec Gazette, and at the Church door nearest to the property to be sold, may be sufficient notice in the thickly peopled parts of the Province, where newspapers circulate and intelligence travels fast; but, in the District of Gaspé, such precautions give no publicity, and it has happened that the first intimation the creditor himself has received of the sale of the property seized for payment of his debt, has been a demand for a sum of money to make up the deficiency of the proceeds of the sale to pay the expenses. This fact leads, naturally, to the notice of a fourth

defect or cause of complaint; the enormous expenses attending the prosecution of suits in the Provincial Court. We have had evidence of the existence of the evil to a great extent, and although it is one which might be remedied, in part, by a better administration of the existing system, by strict regulations made and adhered to by the Judge, and by a wholesome supervision and taxation of accounts of pretended disbursements, the evil owes its origin, in part, to the system itself, and to the great distances over which process runs from the single Court now existing. Instances have been brought to our knowledge where Bailiffs have been sent from one end of the District to the other, to execute process at a heavy expense of mileage, when a Bailiff near the spot might have been employed; and in one case of this kind, where the plaintiff had attached the property before judgment, and he recovered judgment for one hundred pounds, and the property was sold after three years delay, the Bailiff's mileage absorbed more than one half the amount realized, and the successful creditor had to pay fifteen pounds for costs, receiving no part of his debt.

*Fifthly.*—It is represented to us, and we think justly, as another defect in the present system, that sufficient facilities are not afforded by the existing law for obtaining process of *capias* and attachment against the person and property of debtors.

In the other parts of the Province a creditor may obtain such process, in most cases, and at most seasons of the year, in sufficient time to secure his rights. But the creditor living at Gaspé Basin, where shipping resort, or at some of the settlements on the Ristigouche, where the lumber trade is carried on, may see his debtor making away with his effects and preparing to leave the Province; in the former case, by sea, and in the latter, by crossing the river to New Brunswick, and cannot sue out process to secure his debt, but by going to New Carlisle, a distance of sixty miles from the former place, and of more than seventy-five from the Ristigouche. In either case, a delay of four or six days is inevitable, and the chance is lost. Another defect in the present system, which has been stated to us, consists in the too short period of fifteen days allowed for appeals from the judgments of the Provincial Court, the effect of which has been that, in some cases, the party aggrieved, or believing himself to be so, by the judgment, could not obtain knowledge of it until the time for appealing was past. We may here notice another defect or inconvenience attendant on the present organization of the judicature: that the Prothonotary who has sole charge of the records of all causes instituted in the District, and whose residence must be at the principal seat of the Court at New Carlisle, must carry the records of causes belonging to Percé and Douglasstown backwards and forwards every year, frequently in open boats and with constant risk of their being lost or injured.—This would be obviated if he were authorized to appoint a Deputy at Percé, with whom the records should be deposited.

Before stating the measures which we are prepared to recommend, in order to remedy these defects, we will first advert to some of the principal suggestions made by others with this view:—

*First,* (as proposed in the Bill brought forward in the Legislative Assembly, in its last Session, by the Member for the County of Gaspé).—The creation of a Circuit Court of superior civil and criminal jurisdiction, to consist of two or more Judges of any of the Courts of King's Bench in the other parts of the Province, and to sit once a year, with an Inferior Court for matters under twenty pounds, to be held by the resident Judge, in the months of

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February, March and April, at Douglasstown, Percé, New Carlisle, New Richmond and Carleton, and with an appeal to be allowed, in matters above twenty pounds, to the Superior Circuit Court.—Looking to the duties to be performed by the Judges of the King's Bench in their own Courts in the other parts of the Province, we do not conceive that two of them could be spared for a period of at least six weeks, and perhaps more, to hold a circuit in the District of Gaspé; and we are also of opinion, that one such Circuit Court would not sufficiently provide for the administration of justice in the District, in those civil and criminal matters, and in the appellate jurisdiction, which it is intended to assign to it.

And, with respect to the inferior jurisdiction, concurring, as we do, in the general demand of the inhabitants, that the Court for the trial of small matters should be held more frequently, and in more places than at present; viewing the increasing wants of the District, and the long line of coast and country to be traversed, in order to give its inhabitants greater facilities of obtaining justice, we do not think that this end would be obtained by a Court held but once a-year at each of the four places above mentioned; nor do we think that one Judge would be sufficient for the duty which, we are of opinion, should be required of him, at the periods of the year which ought to be chosen for the purpose.

A second suggestion is, that one Judge, being appointed to hold an Inferior Court in each of the Counties; a Superior Court of unlimited jurisdiction should be constituted, consisting of these two, together with a Chairman of the Quarter Sessions to be appointed for the whole District. We do not consider it necessary to dwell upon this proposition further than to state that, we cannot conceive any arrangement less adapted to give respectability and weight to a tribunal of unlimited jurisdiction, or to produce satisfaction or confidence in its decisions, among the people, than this mode of framing a Superior Court, and turning the scale of judicial decision by the mere addition of a third quantity of a different and inferior description. We are satisfied that such a constitution of the Court would keep its character precisely on the low and contracted level which is one chief cause of the insufficiency of the existing Court, by excluding those advantages which it ought to be the first object of Government to give to a superior or appellate Court—the presence and assistance not only of Judges moving in a wider circle of jurisdiction, and enjoying the benefit of an interchange of opinion and information with their brethren of the Bench, but also the invaluable advantage of at least the occasional presence of a respectable and enlightened Bar. And we are impressed with the conviction that the result of such a scheme would, in a few years, be fresh dissatisfaction and well grounded complaints on the part of the people, similar to those which have led to the present inquiry.

We conceive that these objections apply in a great measure to another similar suggestion, coming from a quarter of which we would speak only with deference and respect, that these two local Judges, having together such unlimited jurisdiction, should be assisted—but in case of difference of opinion only, by a Judge from one of the Superior Courts of the Province.

We entertain a strong opinion that as there is nothing in the peculiar condition of the District to render it longer expedient, but on the contrary many peculiar circumstances in that condition, and in the relative position of a local Judge, which render it inexpedient to invest him with a jurisdiction without appeal, to the amount of twenty pounds,

which is not granted in other parts of the Province, even to Judges more favourably situated for enlarged views and impartial decision,—so also, and even *a fortiori*, it would be unsafe to vest an unlimited jurisdiction, even with appeal, in any such merely local tribunal, however constituted, without the aid and the check of Judges from the other tribunals of the Province.

With respect to the suggestion coming from the same quarter, that where the two local Judges differ in opinion, the record should be transmitted to the Court of King's Bench at Quebec, for decision there; this proposal, besides being subject to the objections we have stated to the principal of an unlimited jurisdiction in merely local Judges, carries with it the further defect of subjecting the parties to the expense of such removal of the record, and of employing other professional assistance upon the re-hearing; while neither the Judges before whom the case would be re-heard, nor the new Counsel employed, would have the advantage of knowing, except in an imperfect manner, the grounds of the argument of the Bar, or the opinions of the differing Judges in the Court below.

We deem it necessary to notice, but in a brief manner, another suggestion, that a Superior Court should be constituted, consisting of three or four resident Judges, with unlimited jurisdiction, and an appeal above a certain amount to the Court of Appeals at Québec.

Independently of the other objection in principle already adverted to, we do not conceive that the District requires, or can reasonably expect to have, or that the Legislature would ever be induced to grant, such an expensive superior judicial establishment as this proposal comprehends.

We will only further advert to another suggestion for the establishment of tribunals for inferior jurisdiction, by appointing Commissioners for the trial of small causes in different localities, (as was practised formerly in other parts of the Province before the establishment of Courts of Request and District Courts) or by giving such jurisdiction to Justices of the Peace. We are aware that throughout a large part of the County of Bonaventure the population would be well pleased with the revival of the Commissioners Court for small causes. Such Courts existed in the Townships of Maria and Carleton; in the former settlement for three years, and in the latter for eight years, before the expiration of the Provincial Act under which they were established. Having inquired into the nature and extent of the business despatched by the Commissioners of these Courts, and having particularly inspected the Register of the proceedings of the Court held at Carleton, we cannot but bear testimony to the beneficial operation of these small tribunals, and to the correct and exact manner in which their proceedings appear to have been conducted. In the Court at Maria one hundred and thirty-three causes, and in that at Carleton five hundred and seventy-four causes, appear to have been determined or settled, during the respective periods we have mentioned, at an expense of a few shillings, for matters that in the ordinary Courts would have carried the costs to a far larger amount, and with a saving of time of which the value cannot be calculated. But the chances are so immeasurably against the hope of securing generally the selection of Commissioners so well qualified to conduct such a measure beneficially for the people, that we could not recommend to Government or the Legislature to incur the risk of that failure which has attended the experiment in other parts of the Province, and has led to its abandonment, and the substitution of a different system by the Legislature; and when we come to report upon the subject of the

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Magistracy, the statements we shall have to submit will sufficiently show that there is as little probability of finding *there* the materials for establishing such a civil jurisdiction as is desired, and such as we are aware is now exercised, with great benefit to the community, by Justices of the Peace in the adjoining Province of New Brunswick.

We now proceed to submit to your Excellency our own views as to the changes that ought to be made in the Judicature of the Inferior District of Gaspé; and as in stating our objections to various plans that have been proposed, we have sufficiently disclosed our opinions as to the general principles by which any changes now to be made ought to be governed, we do not deem it necessary to enlarge further on the grounds on which our own recommendations rest.

We recommend that a Court should be constituted in each of the Counties of Gaspé and Bonaventure (being now severally Municipal Districts) to be called a District Court or Inferior Court, to be held by one Judge residing in each County, with jurisdiction to the amount of twenty pounds, in all actions personal, real, or mixed (except these of Admiralty jurisdiction), but with an appeal as under-mentioned, in matters above ten pounds sterling, or where the King's rights, or rights in future may be bound.

That the Superior Civil Court, whatever denomination may be given to it, shall consist of a Judge of one of the Courts of Superior Civil Jurisdiction, of one of the other Districts of the Province, or of a Special Judge (or Commissioner), to be particularly appointed for this purpose, who shall preside in the Court, and be assisted by the two local Judges; and that such Court shall have unlimited original jurisdiction in all matters above ten pounds sterling (with appeal, however, to the Court of Appeals, as at present, where the amount exceeds twenty pounds sterling), and shall also determine appeals from the District Judge, in matters above ten pounds sterling, the Judge who gave the judgment not sitting on such appeal; and the judgment to be affirmed where the two Judges shall differ in opinion.

That where there shall be cause of recusation against the District Judge, or where he shall be a party interested, the cause shall be brought before the Judge of the other District, and by him be determined.

That one month's delay, instead of fifteen days, be allowed for entering an appeal from a judgment of the District Court.

That where execution shall issue against real property, the sale, besides being advertised in the usual manner, in the Quebec Gazette, and being also published at the Church door nearest to the lands, shall likewise be notified by advertisement posted on the doors of the Court-houses and Gaols of the County, and in the office of Register of the District or County, and by advertisement in any other newspaper that the Court shall direct; and that the sale shall be made at the most public building or place near to the property to be sold, that circumstances will admit.

That the Prothonotary or Clerk of the Court, and the Sheriff of the District, be empowered and required to appoint good and sufficient deputies, for whom they shall be responsible, at each of the places where the District Courts shall be held.

That provision be made, by law, that writs of *capias* and attachment before judgment, against the

body or moveable effects of a debtor, may be obtained, not only as now provided by law, from the Prothonotary, or on the *fiat* of a Judge, but also from the Deputies of the Prothonotary, upon affidavit made in the usual manner, according to law, before such Deputy, or before any Commissioner appointed, or to be appointed, by the District or Superior Court, in the manner authorized by the 48 Geo. III. ch. 22, for taking affidavits.

We apprehend that it will not be possible, by any Legislative measure, to remedy the evil arising from the too great amount of law expenses; nor yet to provide for the establishment of a suitable code of rules of practice for the Courts. The present tariff of fees understood to be followed in the Provincial Court, is that in use in the King's Bench at Quebec, from whence also the rules of practice of the Court are borrowed. We have reason to believe, however, that this tariff is followed or departed from, at the discretion of the Judge; so that there is no settled and known rule as to the taxation of costs. This is an evil which appears to us to require a remedy from the proper quarter. But upon this point, and also as to the establishment of rules of practice more suited to the constitution of the Court and other local circumstances, than the code in use at Quebec can be, we do not see that more can be done by legislative enactment, than to make it the duty of the Judges of the Superior Court which may hereafter administer justice in that District, to make proper provision on both these heads, and to establish, by law, for the Inferior Courts, as has been done in the District Courts, a table of fees, similar to those heretofore fixed for the Commissioners Courts for the trial of small causes.

In concluding this part of our subject, so far as it relates to the changes to be made in the constitution of the Courts, we beg leave to observe, that although the 4 & 5 Vict. ch. 20, for establishing District and Division Courts in other parts of the Province, may, under one of its last provisions, be extended to the Inferior Districts, and would, in some of its parts, so far as regards the mere creation of Inferior Jurisdictions, to the amount of six pounds five shillings, and twenty pounds, respectively, be, so far, not unsuitable to the wants of the District, we yet do not think that it can be called into operation there, without considerable alterations to adapt it to peculiar local circumstances, and, in particular, we are of opinion that that part of it by which it is contemplated to raise a fund for the payment of the Judges and Officers by rates of fees, cannot, in that District, be carried into effect.

#### TERMS OF THE COURT, AND PLACES OF HOLDING.

We have already stated what are the terms of holding the present Provincial Court. It is the general desire of the inhabitants, that the Courts, both civil and criminal, should, as much as possible, be held in the winter season, and it is felt by them as a grievous burthen, that, at present they are liable to be called away from their fishing occupations at a very busy period of the short summer season, to attend the Courts, at great distances, as jurymen, parties, or witnesses. The summer fishery, beginning in May, ends about the middle of August. The fall fishery begins in September and continues through October; but this is the least important of the two. It was estimated to us that the Circuit Court and General Quarter Sessions of the Peace, held while we were at Percé, in August, occasioned a loss to the population, in time and labour of more than three thousand pounds. Some were obliged to come, as witnesses or parties, a distance of fifty

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leagues (from St. Anne) in their own boats, sacrificing, perhaps, their whole chance of earning their winter's subsistence. For these undoubted hardships we see no present remedy, as regards the Civil Jurisdiction; but to increase the number of times and places of holding the Civil Courts in the winter season; but we do not consider it possible to establish a system for the due administration of Justice in Superior and Inferior Tribunals, without allotting some part of the summer season for one or more Terms: we are of opinion, however, that much inconvenience and loss to the inhabitants may be saved, by preventing the present practice of transferring causes from one Circuit Court to another, and by fixing the limits of the local jurisdiction of each Court or Circuit to which parties may be summoned, so that a debtor shall not be summoned, for ten pounds, from the upper settlements of the Ristigouche to New Carlisle, nor from the neighbourhood of Point Mackerel to Douglasstown or Gaspé Basin.

From all the information we have obtained, we would recommend that the Superior Court, if constituted as we propose, should be held at Percé and New Carlisle in the last seven days of May and the first three days of June, and in the last seven days of September and the first three days of October, before and after which periods the communication from Quebec, and round the coast, is uncertain or subject to great delays; and that the District Courts should be held in each of the Counties or Districts in the months of January, March, August, and October. At Gaspé Basin, Percé and Grand River in the County of Gaspé, and at New Carlisle, Carleton and Point à la Croix, in the County of Bonaventure, and that power should be given, by law, to the Executive Government, to fix other and additional places for holding District Courts as may hereafter, from the increase of the population or other causes, be found necessary or expedient.

In suggesting the selection of Gaspé Basin as a place for holding a District Court, instead of Douglasstown, where the Circuit Court is now held, we are influenced by various considerations, which appear to us to call for the change.

We are informed, and have reason to believe, that comparatively few of the suits brought before the Circuit Court at Douglasstown are between inhabitants of that place, and we know that many of the actions commenced at Percé are transferred to Douglasstown. We called upon the Prothonotary while we were at Percé for returns to verify these facts more particularly, but he has not yet supplied them.

Douglasstown is distant from Percé twenty miles, with no intervening settlement of any consequence, except at Point St. Peters and Malbay, both within seven miles of Percé.

From Point St. Peter to Douglasstown, and from that place to Gaspé Basin (a distance of about ten miles), there are but a few scattered habitations, on the eastern side of Gaspé Bay; Gaspé Basin is the only safe harbour on the coast from the western limits of the District of Gaspé to Paspebiac in the Bay of Chaleurs. The Custom House for the County of Gaspé is established there; it is the resort of shipping from the Mother Country, the Channel Islands, and the lower ports of the North American Colonies, for cargoes of fish and lumber. It is also the seat of the only whale fishery carried on from the coasts of Canada. None of these advantages belong to Douglasstown. The population surrounding the Basin of Gaspé, and rapidly spreading and thriving along the shores of the north and south-

west arms, already exceeds that of Douglasstown, and to this is to be added, a population of more than double the amount on the north-west side of the Bay of Gaspé and round to Cape Rosier, to whom, if entering the Bay in their boats, round Gaspé Head, it would be as convenient, and if the road across to Cape Rosier should be completed, it would be more convenient to resort to Gaspé Basin than to Douglasstown. In reporting upon the Court-houses of the District, our statements will shew that Douglasstown does not afford any particular accommodation in that respect to turn the scale in its favor.

We have proposed Cross Point, on the Ristigouche and Grand River, in the County of Gaspé, as additional places of holding Inferior Courts, because they are respectively at or near the extremities of the settled parts of the Counties of Bonaventure and Gaspé; most remote from any other place where any Court is held, or proposed to be held; and having visited both places, we are satisfied that the population in the vicinity ought to have the advantage of justice being brought nearer to them. Grand River is almost the last considerable fishing settlement towards Point Mackerel, the south west boundary of the County of Gaspé, twenty-two or twenty-five miles distant from Percé, and having (with Little River) a population of more than five hundred souls. Cross Point is nearly seventy-five miles distant from New Carlisle, and but a few miles from Flat-lands on the Ristigouche, the last considerable and compact settlement on the Canadian shore of that river, and opposite the flourishing town of Campbelltown, on the New Brunswick shore, the centre of the extensive lumbering business carried on upon both sides of the Ristigouche. We are, however, of opinion that Flat-lands, though more distant, may, with equal convenience to the population, be chosen as the place of holding the Court, instead of Cross Point, if the inhabitants undertake to provide half the expense of building a Court-house as it has been intimated to us, in the answers of Messrs. Adams and McLeod to our queries, that they are willing to do.

#### CRIMINAL JURISDICTION.

The Provincial Court having no Criminal Jurisdiction, and that of the Sessions of the Peace (to which we shall presently advert) being of course confined to minor delinquencies, it is a source of just complaint to the population of the District, that there is no means of enforcing criminal justice in cases of the greatest enormity. From the information which we have collected, and which will be found in the answers to our 18th question, it appears that cases of murder, unnatural crimes, rape, and attempts to commit rape, burglary, and great larcenies, besides misdemeanors of the gravest character, have escaped prosecution and punishment, from the want of a Criminal Court in the District. To the case of Prudent Blanchet, now under a charge of murder committed two years ago, to which allusion is made in several of the communications we have received, we need not more particularly advert, as it has been brought under the consideration of the Provincial Government by the first undersigned, by letter to the Attorney-General of 2d October, 1841, and again in a letter to the Secretary of the Government, on the 11th July last, on both which occasions he represented the enormous expense of bringing up the witnesses to Quebec, and the great improbability (in consequence of the uncertainty and difficulty of the communication) of securing their attendance at any expense, even in the summer season; and recommended the

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issuing of a Commission of Oyer and Terminer for the trial of the party accused at New Carlisle; upon which representations, at the suggestion of Mr. Secretary Murdoch, he prepared the drafts of the necessary Commissions of Oyer and Terminer, and of Gaol delivery. But, as they have not been issued, the accused person, after having been more than a year in prison at New Carlisle and Quebec, is now at large on bail, and cannot be tried at Quebec before September of next year.

There is now one J. B. Parquette, confined in the Gaol at Percé, unless bailed since the General Sessions of the Peace held there in August, when he was committed by the Session for a capital felony under the Black Act; and as we were returning from the Upper Settlements on the Ristigouche, three other very recent cases were brought to our knowledge, of larcenies, accompanied with circumstances of a burglarious character, which cannot be tried by the Sessions of the Peace, and for which the accused parties are probably now imprisoned at New Carlisle.

These prisoners can only be tried at Quebec, unless a Commission of Oyer and Terminer is sent to the District, or a Criminal Jurisdiction established there by law.

A Commission of Oyer and Terminer was issued in 1840, for the trial of a prisoner at New Carlisle, charged with grand larceny; but that is the only instance where any of the higher class of offences committed in that District, has been brought to justice, either there or in the Court at Quebec, for twenty years. The sanctions and penalties of criminal justice have been disregarded by those who were disposed to do only what was right in their own eyes; and, with so long and entire a relaxation of the external restraints of law, it is highly to the praise of the population of the District that the peace and good order of the community has been so rarely disturbed by crime. But we submit to Your Excellency that the District has now reached that state, when it is no longer justifiable for a Government to leave it to the protection merely of the quiet dispositions or moral virtues of the mass of its inhabitants; and we would recommend that a criminal jurisdiction be committed to the Superior Court of Civil Jurisdiction, which we have proposed, or be in some other way established in the District; and if vested in such Superior Court, that it be exercised during a certain number of days (we think three would be sufficient, as at Three Rivers) of the terms fixed for civil business, leaving those days, however, open, as at Three Rivers, for receiving returns, and for the ordinary preliminary proceedings in civil cases.

#### MAGISTRACY, SESSIONS OF THE PEACE, AND CONSTABULARY OR MILITIA FORCE.

Magistracy,  
General Ses-  
sions, Consta-  
bulary, Militia.

We class these subjects together, on account of their intimate connection with each other in the administration of Criminal Justice. In the course of our progress through the District, we personally communicated with almost all the resident Justices of the Peace who have qualified and acted under the Commission of the Peace, and with others named in the Commission who have not qualified; and with almost all the Captains and superior officers of Militia whose names we found in the list furnished to us from the office of Your Excellency's Secretary. Being at New Carlisle and Percé, while the General Sessions of the Peace were holden there in July and August, we took the opportunity of seeing how the

business was conducted; and the first undersigned being in the Commission of the Peace for that District, as a member of the Executive Council, and finding at New Carlisle that the Sessions could not be opened for want of a sufficient number of Magistrates, and at Percé that the Magistrates in the neighborhood were desirous of his assistance, took the oaths and presided at both Sessions. We have also, by means of the questions circulated generally among the Justices of the Peace, obtained full written information, which we annex in the Appendix to our Report, as to their mode of their proceeding when acting individually as Conservators of the Peace, the nature of the cases generally brought before them, and the difficulties they experience in securing offenders, and in executing the law for the preservation of the peace, and the suppression and punishment of crime.

We have also given our attention and consideration to the suggestions and observations as to the expediency, or otherwise, of remodelling the present Commission of the Peace, contained in the letters on this subject addressed to the Provincial Secretary, by the Wardens for the Municipal Districts of Gaspé and Bonaventure, and the Member for the County of Gaspé, which were transmitted to us by Your Excellency's directions. We have found, as was to be expected, considering the want of legal information among the Magistrates, and the imperfect organization of the Police, many irregularities of proceeding, on the part of the Justices of the Peace, which have materially interfered with the due administration of Criminal Justice. Persons charged with breaches of the Peace, have constantly been discharged on their own security to keep the peace, and repeating the offence, perhaps against the same person, have been again dealt with in the same manner, out of compassion to the offenders, or on account of the distance of the Gaol, the difficulty of sending them thither, and the long period intervening between the Sessions of the Peace. When others have been bound over for trial at the Sessions, the recognizances have not been transmitted to the proper officer, and the parties of course escaped. An offender, committed for a felony, or other grave offence by one Magistrate, has been speedily bailed by another; and one such offender, after committing another felony and sacrilege, is now at large in Quebec. Another man, being brought by warrant before a Justice of the Peace, for a larceny, which until the late alteration of the criminal law by the Provincial Act 4 & 5 Victoria, c. 25, would have been a capital offence, was discharged by the Magistrate with an admonition to behave better for the future. In one instance, an offender was committed to prison by the Justice sending to the Gaoler, by the Constable, a familiar symbol instead of a written commitment.

The duties also of the Magistracy, in holding the General Sessions of the Peace, have been irregularly and imperfectly performed. By law these Sessions are appointed to be held as follows:—

New Carlisle.....	11—16 January,
“.....	21—26 July,
Carleton.....	11—16 July,
Percé.....	11—16 August,
Douglasstown.....	26—31 August.

No Sessions of the Peace have been held for the last four years, at Carleton, and only one at New Carlisle in eighteen hundred and forty-one, in consequence of the want or the non-attendance of Magistrates at both places. At Percé and Douglasstown the Sessions have been held at the regular periods during the last three years. The failure of the Sessions at Carleton, from the want of a sufficient number of Justices of the Peace in that neigh-

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bourhood, has been a just cause of serious complaint, particularly as both Grand and Petty Jurors have been summoned, and have regularly attended from a district of country of seventy miles in extent, to the great detriment of their private affairs, with a very considerable and useless expenditure also of public money for the service of summoning them.

The business brought before the Sessions when held, during that period, has generally consisted of cases of assault, although there have been four or five of larceny. The circumstances we have mentioned, as to the course of proceeding adopted by the Justices of the Peace, and those to which we shall advert in reporting upon the state of the Constabulary or Police force, will render it less remarkable, that, throughout the District of Gaspé there should have been, in the last three years, but twenty-four cases of misdemeanor and petty larceny brought before the Sessions of the Peace. The operation of the Statute of the last Session of the Provincial Legislature (4 and 5 Victoria, c. 27), by which, common assaults may be tried summarily before one Justice of the Peace, upon the application to that effect of the party aggrieved, while it will increase the duties and responsibility of individual Justices, will considerably relieve the Sessions of that class of offences; but, on the other hand, the duty of that Court will be necessarily increased by the extension of its authority for the trial of larcenies under the Act of the same Session, c. 24.

It may be more convenient that we should here, before taking leave of the general subject of the Magistracy, submit our opinions as to the expediency of remodelling the present Commission of the Peace in the District of Gaspé.

The duties of those in the Commission of the Peace involve, every where, matters that lie at the very foundation of the peace and good order of society. But in the District of Gaspé it is peculiarly important that the Government should, if possible, create a Magistracy composed of men of some education, of more good sense and discretion, of considerable firmness, and, beyond all, of inflexible honesty. We believe that sufficient materials exist for forming such a body in the District, to the extent of its present wants. We know that the present acting Magistrates are guided by the best intentions, and in general by an anxious desire to discharge their duty with zeal as well as integrity. But there are many names in the Commission of the Peace that ought never to have appeared there; many persons who tacitly admit their unfitness by never having taken the oaths, or acted under the Commission. The number of Magistrates throughout the District might perhaps be sufficient for its wants, if they were distributed where those wants arise; but while we found in some places more than are necessary, there are too few in other places of considerable population, so that some are over-burthened with public business, and others have little to do. We do not by any means concur in the opinion entertained by some, that one Justice of the Peace in a settlement or neighborhood is sufficient; but would, on the contrary, recommend that two, or in some localities more, should be appointed, if fit persons can be found, not only because the law requires in some cases the presence of two Magistrates, but that they may mutually aid each other in cases of difficulty, and that there may be one to act in the absence of the other.

Appendix D. We annex to our Report a tabular statement of the principal settlements in the District the distances from one to the other, the population, (according to the best information we can obtain,) the Justices of the Peace residing in or near the different settlements, as named in the last Com-

mission of the Peace; distinguishing those who have qualified and acted, from those who have not. From this statement it will appear that there is but one between the western extremity of the District of Gaspé and Little Gaspé in Gaspé Bay, a distance of one hundred and fifty miles, and comprising a population of nearly twelve hundred souls, scattered in various settlements.\* And we must add, that in no part of the District has the absence of the power of the law been more injurious than on this part of the coast, within a few years past, to restrain and punish the open and lawless plunders practised by the worthless part of the people in the cases of wreck which have occurred there. Following the coast round towards Chaleurs Bay, no Magistrate is found between Grand River and Port Daniel, a distance of thirty miles; only one between the latter place and Paspébiac, eighteen miles. From New Carlisle to Maria, a distance of nearly fifty miles by the road, there is only one Justice of the Peace who has taken the oaths, and acts in that capacity, although that distance includes the well peopled and flourishing settlements of Bonaventure, Black Cape, New Richmond and Cascapédiac; and from Carleton to the upper settlements on the Ristigouche, including those of Nouvelle Maguaska, the Mission and Flat Lands, there is not one Justice of the Peace who acts, in a distance of sixty or seventy miles.— We do not hesitate to recommend to Your Excellency, to cause a new Commission of the Peace to be issued for the District; and as we presume it to have been Your Excellency's pleasure, in causing to be transmitted to us, the correspondence between the Wardens of the District and the Member for Gaspé, and the Government, on the subject of remodelling the Commission of the Peace, that we should collect information and offer an opinion as to the change, if any, to be made; we submit to your Excellency, with all deference that we do not think it at all desirable in the present state of local parties in the District, that any further change should be made in the existing Commission, than, *First*—by omitting the names of those now in the Commission, who, on being specially required by Government to state whether they will take the oaths and act, if appointed in the new Commission, shall declare that they will not do so. *Secondly*—by omitting the names of those who are dead, or have ceased to reside in the District, or of any one who may (as we believe happened in one instance) have been named in the last Commission by mistake for another person, or who may, as in another instance, be in a state of mental derangement.

*And, thirdly*,—By adding to the Commission of the Peace well qualified individuals in the different places where additional Justices of the Peace may now be required, or may become necessary in consequence of the omission of other persons unwilling to act.

In pursuing our inquiries, and becoming acquainted with the leading people in different parts of the District, we have taken information, though not in a way to raise expectations which we were not authorized to hold out, as to the character and qualifications of different persons, who might be fit to be appointed in a new Commission. As this, however, is a point not strictly within the scope of our commission or instructions, we forbear from submitting our views more particularly until we shall be required by Your Excellency to do so.

There are some points, connected with the holding of the Sessions of the Peace, to which we think it necessary to advert. The attendance of Grand and Petty Jurors at the Sessions is stated to us to have been regular, but complaints are made, and, as we believe, not without foundation, that while they are

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summoned from distances of from fifty to seventy miles (without a road to travel by, as is the case of those brought from the River Ristigouche, above Magoaché to Carleton, or of those from the settlements on the St. Lawrence to Douglasstown.) sufficient care has not been taken to relieve individuals by changing or extending the list. We have called upon the Sheriff for a report upon this subject, but havenot yet received it, but we conceive it to be a fit subject for regulation by the Legislature, if any measure should be introduced to change the periods and places of holding the sessions. We have also found great laxity to have prevailed, in the practice of the Sessions of the Peace, as to the forfeited recognizances of those who have been bound over and have failed to appear. The reason given by the Clerks of the Peace for omitting to cause such recognizances to be estreated, viz., the distance, delay and difficulty "of doing so," appears to us to be insufficient. We are of opinion that the administration of justice before the Sessions, would have been more efficient and respectable than it is, if proper measures had been taken (and some might have been taken) by the Sessions, to comply with the positive provisions of the law (with a penalty annexed to the non-observance of them) and to enforce the forfeitures in such cases. But we find it unnecessary to dwell further on the subject, as the Provincial Act 4 and 5 Victoria, c. 24, for improving the administration of the law, contains a particular provision respecting the estreating of recognizances, to which the attention of the Justices in Sessions will no doubt be directed.

#### CONSTABULARY AND MILITIA OR POLICE FORCE.

In this right arm of the law we have found a want of organization, and consequent weakness, which must go far to paralyze the administration of justice. The duty of appointing Constables, in the different localities, has been too often overlooked by the Justices of the Peace in their general annual or half-yearly sessions, and from what is stated in several answers to our seventh general question, it would appear that the Magistrates often find it difficult to employ Special Constables to arrest and conduct offenders before them or to prison, in consequence of the distance they have, in many cases to travel, and the inconvenience, loss, and actual expense entailed upon them in the performance of such a service. By an Ordinance 27 Geo. III. c. 6, the Captains and inferior Officers of Militia are made Peace Officers in the country parishes. But it appears that in the District of Gaspé they do not act with effect in that capacity.

There being no fund provided, as in the other parts of the Province, for defraying the expense of this most necessary service, it is no matter of surprise that it is avoided by every device, and when submitted to, is negligently performed, or abandoned before completed. From one Justice of the Peace we learned that when Prudent Blanchet, the person before alluded to, now under a charge of murder, was brought to his door by a Peace Officer belonging to the Militia, he was himself under the necessity of walking a considerable distance before he could induce any person to convey the prisoner on his route to gaol. Officers and Sergeants of Militia complain, and with much appearance of justice, that they should be required, without remuneration, to receive, lodge and feed a prisoner, and to find conveyance, sometimes for him and themselves, for a considerable distance, besides losing their own time. In some parts of the District, a prisoner must be conveyed thirty or forty miles, in a hired boat, to reach the nearest gaol.

Hence a too ready connivance on the part, both of the Peace Officers, where there are such, and of Magistrates, at offences of a grave character affecting life and property. Hence it sometimes happens that the Peace Officer charged with a prisoner, and, unwilling to incur the expense and loss of time necessary to convey him to prison, hands over to him the commitment and desires him to convey it to the Gaoler. Hence, also, in a great degree, the impunity that has attended a class of serious offences which, of late, have been too prevalent in that District, and for which its maritime position and unsafe coast afford too many occasions. During the last four or five years, ships and valuable merchandize, to the value of not less than two hundred and fifty thousand pounds, have been cast on shore within the limits of that District; of which all but a fractional amount has been sacrificed and lost to those rightfully interested, partly, indeed, under the guise of protection and by the form of public sales, but too much also by open and daring plunder, accompanied with preparations for violence, and in defiance of attempts made by the civil authorities to prevent it; we are satisfied that these most disgraceful occurrences might have been prevented or greatly checked if, where they happened, there had been resolute and honest Magistrates, supported by a few faithful Peace Officers, Militia or Police.

We are persuaded, notwithstanding some contrary opinions expressed to us, that the Militia force, as a sedentary Police, might be trusted and used with good effect in aid of the administration of justice. But it is even, if possible, more disorganized than the other local institutions and establishments of the District. It is but a disjointed skeleton. The whole District, containing a population of certainly not less than fifteen thousand souls (or nearly three thousand Militia men, at the usual computation), is divided into but two Battalions, the one extending from Gaspé Basin (perhaps from a point two hundred miles westward) to Point Mackerel; and the other from thence to the Upper Settlements of the Ristigouche, one hundred and fifty miles. With the exception of the Field-Officers and Captains of these Battalions, we could not ascertain whether any other Officers actually hold commissions under the existing Militia law. In one case, we know that a commission of Captain was sent to a highly respectable gentleman, wit out any previous communication with him, and that he has never acted, and will not act under it. There are other nominal Officers similarly situated. The Commanding Officers do not know all their Captains, nor the Captains their Inferior Officers.

In some places there are no Sergeants. As we have not yet received, from the Commanding Officers, the promised information as to the re-organization of their Battalions, we can only speak from the information gathered by us on our route. But we have no hesitation in stating our opinion that, viewing the Militia as a sedentary Police force, and considering the extent and increased population of the District of Gaspé, there ought to be more than two Battalions, with a proper complement of Officers; and that fit persons can, without difficulty, be found for Officering an additional Battalion.

Our attention having naturally been directed to the consideration of the expediency of appointing High Constables or Constables, and establishing a small Rural Police force, in that as in other parts of the Province, in aid of the Magistracy, we have received conflicting opinions upon the subject, as will be seen in the answer to our twenty-first question, the greater part of which are unfavourable to the latter measure. But it will be seen that the principal objections to it, rest upon the ground of the

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probable local expense to the District, and upon the mistaken supposition that it is proposed as a remedy for an existing prevalence of outrage, or insecurity of property in the District. But being ourselves of opinion, with others, that such an establishment would be of the greatest use, we feel it our duty to recommend the measure as one calculated to check the growth of crime and disorder, by the detection and prevention of the first small steps which lead to higher degrees of offence—to give efficiency to the process of the law when issued—and to relieve the people from the burthen, of which complaint is now made, of being obliged, as Constables or Peace Officers, to execute that process at a loss to themselves.

From one end of the District to the other we have heard of one prevailing evil, growing out of a lax execution of the law, and having a peculiar tendency to demoralize the people, and lead to crime;—we allude to the unrestrained sale of spirituous liquors without license. Not a license is held by any vender of such liquors in the whole District, but houses where they are sold abound everywhere. In the County of Bonaventure alone, containing between eight and nine thousand souls, there were entered at the Custom House, in eighteen hundred and forty-one, more than ten thousand gallons of spirits; to which must be added a large quantity, equal, it is supposed, to one-third more, introduced clandestinely in small coasting vessels from Nova Scotia and elsewhere, which trade along shore at the remoter settlements, bartering spirits for fish. A consumption is thus exhibited of more than a gallon and a half of spirits for each man, woman and child in the County, of which a large proportion, it cannot be doubted, is sold in the numerous unlicensed houses of which we were informed. This evil, we were told, cannot be put down, because the Constables, and Peace Officers, and private individuals will not inform against their neighbours and relations; and Magistrates fear to incur the odium of taking active measures to check a practice which some of their body countenance. In one instance, in 1840, where a prosecution was commenced against a person for selling spirituous liquors without license, and he was brought before the General Sessions at Douglasstown, for trial, he pleaded the incompetency of the Magistrates to try him, as being themselves vendors of spirituous liquors; and he was not tried.

It has been suggested to us, and we are convinced of the soundness of the suggestion, that nothing would more tend to suppress this evil, than a few Peace Officers or Police, unconnected with the people, acting under a Superintendent of Police or Chairman of the Sessions. We would not treat this as a question so much of revenue as of public morals and good order; but we will add, that the duty on Licences which might thus be secured to the public revenue, and might be turned over, as has been proposed in the City of Quebec, to the Municipal authorities on the spot, would go far to pay the expense of a small body of Rural Police.

We are of opinion, also, that a High Constable, nominated by the Justices of the Peace in Session, with a small salary paid, as in the other Districts, from the Provincial revenue, would be useful in selecting and directing the ordinary Constables, and attending the Sessions of the Peace and the higher Criminal Court, to execute process and bring up witnesses. We also consider it to be indispensable to the due administration of Criminal Justice, that the Government should provide the means, as

in the other Districts of the Province, of remunerating, in the ordinary manner, Constables, Peace Officers, Special Bailiffs, or Officers or Sergeants of Militia, who may be employed under the orders of the Justices of the Peace in conveying prisoners to the common Gaols. But the measure which appears to us to be most important and necessary to give firmness, steadiness, and efficiency both to the Magistracy (as a body and individually), and to the whole Police or Constabulary force; to prevent the irregularities which have hitherto prevailed in this part of the administration of Justice, and to give vigour and order to the system, instead of the present laxity and disorganization, is the appointment by the Executive Government, of a person of legal education and experience, to be Chairman of the Quarter Sessions for the whole District. In this recommendation all whom we have had occasion to consult in the District, with one voice, concur; and we cannot too strongly state our conviction that no other single measure will be so effectual in rescuing the Magistracy, and the laws which they are appointed to administer, from the state in which they are now to be viewed; in which they stand an object of contempt or disregard to those whom they are intended to control, and of painful regret to all who desire to see public institutions respected, and the laws executed and obeyed.

Coupled, however, with this measure, we would recommend a Legislative alteration of the terms of holding the Sessions, and the appointment of additional places for the purpose.

The inhabitants complain of being called away from their business and homes in the middle of the summer fishery, or of their agricultural labours, to attend the Sessions as Jurors or witnesses; and it is very generally desired that this Court should, if possible, be held only in winter. But in this matter, as with respect to the time of holding the other Courts, the entire convenience of all, cannot be attained; there must be a sacrifice of some interests, and a compensation of advantages and disadvantages, to secure what may be for the general good. The winter, which is the season of repose to the fisherman, is, to the man engaged in the lumber business, the season of activity and gain. Considering, as we do, the appointment of a permanent Chairman of the Sessions of the Peace as a necessary measure, and viewing it as highly improbable that provision can be made for one for each County, we do not think it advisable to impose upon one person the duty of holding eight or ten Sessions of the Peace, from the Ristigouche to Gaspé Basin, between the beginning of December, when the winter roads and ferries begin to be passable, and the middle of April, when they begin to break up. We believe, also, that the people themselves would soon feel the inconvenience of being twice called from their homes, in the same inclement season of the year, to attend the Sessions as jurors and witnesses; and we beg leave to observe that much of the inconvenience and loss of time now suffered by them, will be avoided if, as we propose, the Sessions are held at other and more convenient places, thus diminishing the distances they will have to travel, and dividing the business. Taking into consideration the hardship inflicted on a prisoner who may now be confined in the Percé Gaol for a whole year, without trial, for a petty larceny, and that the same hardship may ensue in other places where Gaols may be built, if Sessions are only held once a year, and that those who are under bail for trial, are entitled to be tried as soon as possible, we respectfully submit to Your Excellency our opinion that, wherever Sessions of the Peace may be held, there should be two Terms in the year; and we recommend to Your Excellency's

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Chairman of  
the Sessions.Alteration of  
the terms of  
the Sessions of  
the Peace.



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consideration the following general arrangement of the times and places of holding these Courts :—

4th October.

New Carlisle .....	} Four days in each of the months of March and October.
Carleton .....	
Cross Point .....	
Gaspé Baisin (in preference to Douglasstown, for the reasons before assigned with respect to the holding of the Inferior Courts.)	} Four days in each of the months of January and August.
Percé .....	
	} Four days in each of the months of March and October.

**GAOLS AND COURT HALLS.**

In compliance with the tenor of our Commission, and of Your Excellency's instructions, we have inquired into the condition and sufficiency of the Gaols and Court Houses, and the buildings used as such, in the District of Gaspé. Not having received from the Sheriff and Prothonotaries the reports which they engaged to make upon this subject, we proceed to state the result of our own examination and inquiries.

There is a building at New Carlisle, and another at Percé, both public property, and each used for the double purpose of a Gaol, and a Court Hall for the sittings of the Provincial Court and Sessions of the Peace. At Douglasstown and Carleton there are two small hired buildings used for the last mentioned purposes. The building at New Carlisle, which was erected at an expense of four thousand one hundred pounds, granted by the Legislature, is a strong, substantial structure of two stories, about fifty feet by sixty, surrounded by a good wall. The lower part is fitted up as a prison, and contains four prisoners' wards or cells, which appear to be well secured against escape, together with apartments for the Gaoler. There are no rooms, however, for debtors, who must, therefore, be put in the criminals' cells; twelve debtors have been arrested and committed to this gaol during the last three years, and we cannot but concur in the suggestion made to us, verbally, by the Sheriff, and which he engaged to transmit to us in an official letter, that the Gaoler's apartments, occupying now a large part of the lower story, or ground floor, should be converted into a debtors' room and ward, and that suitable accommodation for the Gaoler should be erected at the north-eastern gable of the prison. The surrounding wall is not sufficiently high, by several feet, and is, otherwise, so insecure in the masonry, that the Gaoler cannot allow the prisoners, unless he is with them himself, the use of the court-yard, without risk of escape.

The upper story is appropriated for a Court Hall, Jury Rooms, Clerk's Office, and Judge's Room, which is used, also, by the Magistrates during the Sessions of the Peace, but is so inconveniently small for either purpose, that we would recommend that a small adjoining apartment in which a few stand of arms have been kept, since the year one thousand eight hundred and thirty-seven, should be again joined to the Judge's Room, and that the arms be transferred to the Gaoler's apartments and custody. The other rooms are sufficient, at present, for their several purposes, but the Clerk's Office appears not to be fitted up in such a manner as to allow of the records being kept in proper and convenient order; and the security of the lower part of the building, as a Gaol, is necessarily diminished by the occupation of the upper part as a Court Hall.

New Carlisle Gaol, Court-hall.

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Percé Gaol and Court-hall

The building at Percé is likewise of stone, and substantially built for a private dwelling, for which it was originally erected; but it was purchased and fitted up by the Provincial Government, at an expense of one thousand pounds, under the authority of an Act of the Provincial Legislature, in eighteen hundred and twenty-six. It is about forty-five feet square, and two stories in height. The lower story, which is used as a prison, contains two places called cells, opening upon the Gaoler's kitchen, insecure, unventilated and unwholesome. It has been stated to us, that a prisoner lost his health and his life by long confinement in the effluvia of one of these cells; but we have reason to believe that his death did not arise from that particular cause. There is, however, no drainage to the building, no debtors ward, and no enclosure round it but a low and bad picket and rail fence. The upper story contains the Court Room (the sole furniture and fitting of which consist of a deal table and benches, and a chair for the Judge) and three small rooms for the Judge, Sheriff, and Clerk of the Court, during Circuit and Sessions; but two of these are required for the Juries during the Sessions. The flooring of this story is insecure and unfit to carry any considerable number of people; and the roof is in a bad state.

The building might be made strong enough for either of the purposes for which it is used. But we look upon it as not fit for both. We beg leave respectfully to refer to the presentment of the Grand Jury at Percé, on this head, annexed to the answers of Jean Boutillier, Esquire, the Warden of the Municipal District, to our general questions; and we submit to Your Excellency our opinion, that the present building ought to be repaired and appropriated for a Court House or a Gaol, and another building erected upon the ground (which is large enough for the purpose) and a substantial wall built round the Gaol.

The place hired at Carleton for the use of the Circuit Court and Sessions of the Peace, is a small wooden building, consisting of one room below, without furniture or accommodation, save what is procured for the occasion; and a waste garret above to serve for a Jury Room for Grand and Petit Jury in turn. The rent paid by Government is ten pounds a-year, and one pound a-day while actually occupied by the Courts. The present proprietor, as we are informed, is willing to expend a small sum in fitting up the building more suitably for holding the Courts. But as we have been given to understand that it might be purchased for less than the capital of the rent now paid, and as an expense of forty or fifty pounds more would cover the necessary alterations, we would strongly recommend the purchase of the building by Government. We beg leave, however, to observe, that it stands upon the open beach of Carleton, which, we apprehend, must be public property.

Carleton Court House.

The house hired at Douglasstown for the same purposes, and at nearly the same rent, is a wooden shell, with even worse accommodation than that at Carleton, except that there is a table which once belonged to the gunroom of an English frigate wrecked on the coast, and some benches which may have come on shore from the same accident. There is no flooring to the open loft above but loose deals, between which, the Jury, if they climb there, may be seen and heard, in their deliberations by the audience below; and we are well informed, that for the purpose of free and private discussion, a Jury has been obliged to adjourn to a neighboring stable, and that in one instance, the Grand Jury were obliged to deliberate in the open field. The lady, however, who owns this building, is willing to sell

Douglasstown Court House.

the house and lot in which she lives, to Government, for a Court House, for three hundred pounds:

nies for roads in the District of Gaspé, we respectfully beg leave to express our entire concurrence in the hope entertained by the inhabitants of the western end of the County of Gaspé, that justice may be done them in this respect. From Percé to Grand River there is a carriage road, and from thence to Port Daniel, twenty-five miles, the distance is even now constantly travelled in winter vehicles, and a new and better road for all seasons is now opening, and will, probably, be fit for travelling in another year. From Port Daniel to West Nouvelle, a distance of about seventy-five miles, we travelled, without difficulty, in such carriages as are used in the other parts of the Province, and there is now a road opening from that point, through the Shoolbred Tract, a distance of twenty-five to twenty-eight miles, to the road connecting the Ristigouche settlement with the St. Lawrence.

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Having, in a former part of this Report, recommended that the Courts should no longer be held at Douglasstown, it is unnecessary for us to express any opinion upon this offer; but, if the Courts are to be transferred to Gaspé Basin, we conceive that there will be no difficulty in hiring there, a suitable building for their accommodation, until one can be erected. We have received, from various quarters, suggestions of the necessity of establishing, in different localities, particularly at Grand Grève west of Gaspé Bay, at Carleton, and at Flat Lands on the River Ristigouche, if a Court should be appointed to be held there, some places of temporary confinement in the nature of lock-up houses, where prisoners may be kept in safe custody until they can be conveyed to the Common Gaol of the County. We think the measure desirable in itself on account of the distances of those places respectively from the appointed Gaols; but as it would necessarily entail the expense of keepers for such houses, we do not go further than to submit it to Your Excellency as a measure that might be found very useful in the administration of criminal justice.

The roads now travelled have been almost entirely made by the unassisted labour of the inhabitants, and are, at least, as good as those in the country Parishes of Lower Canada. And the whole route, from Gaspé Basin to the Ristigouche, may, without severe fatigue, be traversed by land and water even under unfavourable circumstances, in five or six days.

Before concluding this part of our Report upon the general system of the administration of justice in the District of Gaspé, and the changes desirable to be made in it, we beg leave to observe, that if we have not particularly noticed the Magdalen Islands, we trust that we shall not be considered as having lost sight of that outlying part of the District of Gaspé. We have purposely omitted them, because they have never been within the range of the administration of justice, as established by law for the rest of the District into which we were to inquire, and because the Legislature have so recently made provision for the establishment of a Court for those Islands, that we do not conceive it to have been within the scope or intention of our Commission and instructions that we should extend our inquiry there.

The inhabitants of the District of Gaspé believe, and not without reason, that they have not had their due share of that aid and encouragement which the Government and Legislature have given to other parts of the Province. Separated from the rest of the Province, by a mountainous territory of wilderness, of more than one hundred and fifty miles in length, by one hundred in breadth; with no road of communication to connect it with the richer and more populous country; with a thinly scattered population, and an ungenial climate, Gaspé seemed to demand a peculiarly liberal share of such encouragement as a Legislature can give, to develop its resources, and to redress the disadvantages of its position. But the people feel, that, instead of more, they have received less; and before they can be called upon to bear the expense of any part of the improvements in their Judicature or Civil organization, which may now be thought necessary, before they are cast off from the resources of the richer community to which they are attached, and required to help themselves with their own means, they will reasonably ask first to receive their due share of the common property of that community, in proportion to what has been given to other parts of it.

Having now submitted to Your Excellency the conclusions we have formed, according to the best information we could obtain as to the various important points to which, by our Commission and Your Excellency's instructions, our attention was directed, we trust we shall not appear to exceed the limits of our duty, if we proceed to notice some other points not remotely connected with the subject of our inquiry, for the purpose of shewing that the changes which we have recommended are not only practicable in the present physical condition of the District, but that the expense, which must necessarily attend them, is one which the population, taking into consideration their present numbers, their increasing commerce, and their contributions to the revenue, may reasonably claim to be incurred, for their advantage, out of the general funds of the Province.

In all the other Districts of the Province, Gaols and Court Houses have been built and re-built, and judicial establishments formed and re-formed, according to their wants, at the public expense. We think it no unreasonable expectation of the people of Gaspé, that their Court Houses and Gaols, should, at the expense of the public revenue, be made, what they are not now, sufficient for their wants; and should be supported in the same manner as in other Districts.

The internal communications of the District now are, or soon will be, such as to admit of the administration of justice being carried, with one exception, to the different places which we have pointed out. The exception to which we allude, regards the line of country between Gaspé Basin and Percé, a distance of thirty or thirty-five miles, through which there is at present no passable summer road. But the communication is not difficult in winter on the ice, and in summer by water. The traces of a road now remain, which was opened some years ago under an appropriation by the Legislature; and as we must presume that it is only by oversight that the re-opening and completion of this road has been overlooked in the recent appointment of public mo-

We beg leave, in connection with this subject, to state to your Excellency most emphatically, our conviction, founded upon a knowledge of the state of the District, and the sentiments of all classes of its inhabitants, that they will not, because they cannot, tax themselves for such purposes. There is no circulating medium—the sole staple of their external trade, and the sole medium of their internal barter, is fish; and the tax-gatherer must be paid in fish; and we have the strongest facts to shew that, for many years past, the fishery, as a source of profit to the operative fisherman, and to the inhabitants generally, has been constantly declining. The increasing population, commerce and agriculture of

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the District, appear to us to give it a claim to more consideration and encouragement than it has hitherto received.

Without incumbering our Report with details on these points, we will only very respectfully solicit Your Excellency's attention to some general results of our inquiries; and we crave leave to refer Your Excellency to the particulars contained in Returns and Statements in the Appendix, under the heads of Population, Commerce, and Agriculture.

In 1819, the population of the District of Gaspé, according to the best information then to be obtained, though perhaps erroneous in a great degree, was four thousand and twenty-three souls. In 1825 it had increased to six thousand five hundred souls; in 1831 to nine thousand two hundred and fifty-five souls; and at the present moment, according to the best information we can collect, it amounts to at least fifteen thousand souls;—shewing an increase, in the first period, of one third in six years; in the second, of one third more in six years; and in the last period of eleven years, of nearly two thirds—a rate of increase greatly exceeding that of some of the most populous and highly cultivated parts of the District of Montreal between 1825 and 1831.

The population of Gaspé would, therefore appear to double itself in eighteen years; and in this statement we do not take into account the large transient population engaged in the Fisheries in summer, who come from the Parishes on the St. Lawrence below Quebec, and from the Channel Islands and Lower Ports. These have been variously estimated to us at from three to ten thousand, but, from the best data, we believe them to average between four thousand five hundred and five thousand; and for this large proportion of the population not connected with the District by any permanent ties, and leading an unsettled and amphibious life, the wholesome restraints of a Police, and of summary justice for small infractions of the law, would seem to be particularly required.

The commerce, also, of the District, both provincial and foreign, has increased in a general point of view in nearly an equal ratio with the population; and the Revenue now drawn from the District, through the Customs alone, has advanced from one thousand and eighty-three pounds, in 1829, to nearly two thousand per annum; while that derived from the sale of Crown Lands and Timber, notwithstanding the frauds and plunder practised upon the Crown property from whence this part of the Revenue is derived, and which no vigilance of the Crown Agents can prevent, exceeds in some years eleven hundred pounds. So that, taking into account the large amount of merchandize transhipped to the District from other parts of the Province where it has already paid duty, the contributions to the general Revenue, derived from the commerce and consumption of the District, cannot be less than five or six thousand pounds per annum.

Our stay in the District was too short to allow of our collecting the requisite information to ena-

ble us to give an accurate view of the increase of its agriculture; and there having been no census since 1831, we have no exact data upon which to judge of that increase, but by comparing the results of that census with those exhibited in Statistical Returns published in 1820; from which there appears to have been, in that period of eleven years, an increase in the numbers of those engaged in agriculture, and in the amount of agricultural stock, of from two to three fold; or considerably more than the increase of the general population and commerce of the District in the same period.

From personal and attentive observation in passing through the country, and from the information we received of the growth of the new settlements, and the extension of cultivation in the old, we are convinced that the agriculture of the District has prospered during the last eleven years, and is prospering in at least an equal ratio to its increase in any former period. In parts of the County of Bonaventure where, ten years ago, the native forests were still untouched, we passed through a District of flourishing farms. In the County of Gaspé, with a more inclement climate and ungenial soil, we found near Percé a small settlement of Irish, who came paupers to the country about the same period, and of whom we were told that, living independent of the Fishery except for their own consumption, "they are in debt to no one, and derive a comfortable subsistence from the tillage of the soil, and from selling its surplus produce to the fishermen." Nor was there any part of the District that we visited, where we failed to see abundant evidence both of the comfortable and thriving condition of the husbandman, and of the capability of the soil to yield him, in the most useful kinds of agricultural produce, no scanty reward for patience and persevering toil.

Such being the progress, present condition, and prospects of the people of Gaspé, in all the elements of social prosperity, they ask no other boon of the Government and Legislature than to be placed on the same footing, as to local public institutions, with all other parts of the Province; that the administration of Justice, both Civil and Criminal, be rendered efficient, easy, suitable to their wants and local position, and deserving of their confidence and respect; that their Gaols and Court-halls be made sufficient for their respective purposes; that their Magistracy be so composed, so organized, and so distributed, as to be capable of fulfilling its important duties; and that these, and all other institutions and authorities connected with the execution of the laws and the administration of Government, be so established and regulated among them as to promote, so far as Laws and Government are capable of promoting, the prosperity of the community; and to secure public peace, morality, and social order.

All which is most respectfully submitted to Your Excellency's wisdom.

ANDw. Wm. COCHIRAN.

Queen's Counsel.

P. B. DUMOULIN,

Q. C.

Quebec, 6th October, 1842.

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## APPENDIX.

## SCHEDULE OF DOCUMENTS

IN THE APPENDIX TO THE REPORT OF THE COMMISSIONERS APPOINTED TO INQUIRE INTO THE  
ADMINISTRATION OF JUSTICE IN THE INFERIOR DISTRICT OF GASPE.

- A. Copy of Commission, 9th July, 1842.  
 B. Copy of Instructions, 11th July, 1842.  
 C. Copy of General Questions circulated in the District by the Commissioners.  
 D. Tabular List of Justices of the Peace in the different Settlements, &c.  
 E. Comparative view of the Population in 1819, 1825, 1831, and 1842.  
 F. View of Trade and Agriculture, 1818-19, 1831-41.
- No. 1. Answers of Judge Thompson to general Questions.  
 No. 2. Answers of R. Christie, Esquire, M.P.P., to ditto.  
 No. 3. Answers of Messrs. Ritchie & Co. to ditto.  
 No. 4. Answers of Messrs. McLeod & Adams to ditto.  
 No. 5. Answers of J. U. Campbell, Esquire, to Supplementary Query.  
 No. 6. Letter from the Reverend Mr. Malo to Commissioners.  
 No. 7. Answers of H. Landry and J. Meagher, Esquires, to general Questions.  
 No. 8. Answers of Joseph Meagher, Esquire, J. P., to ditto.  
 No. 9. Answers of J. Cruger, Esquire, J. P., to ditto.  
 No. 10. Answers of P. Wallace and John Jamieson to ditto.  
 No. 11. Answers of L. Martel, Esquire, Advocate, to ditto.  
 No. 12. Answers of William McDonald, Esquire, J. P., to ditto.  
 No. 13. Answers of John Hardeley, Esquire, to ditto.  
 No. 14. Answers of D. Bouthillier, Esquire, to ditto.  
 No. 15. Answers of J. Todd Caldwell, and others, to ditto.  
 No. 16. Answers of E. H. Enright, Esquire, J. P., to ditto.  
 No. 17. Answers of F. McRae, Esquire, J. P., to ditto.  
 No. 18. Answers of William Millar, and others, to ditto.  
 No. 19. Answers of Mr. William McPherson to ditto.  
 No. 20. Answers of Mr. R. W. Kelly to ditto.  
 No. 21. Answers of Robert Houston to ditto.  
 No. 22. Answers of Andrew Cass to ditto.  
 No. 23. Answers of Andrew Ferguson, to ditto.  
 No. 24. Answers of J. Le Bouthillier, Esquire, J. P., and Warden, to ditto.  
 No. 25. Answers of P. Winter, Esquire, Advocate, to ditto.  
 No. 26. Answers of Reverend Mr. O'Grady to ditto.  
 No. 27. Answers of V. Mignault, Esquire, J. P., to ditto.  
 No. 28. Answers of J. Rooney and E. Flynn to ditto.  
 No. 29. Answers of J. B. Blondin, Esquire, J. P., to ditto.  
 No. 30. Answers of P. Duval, Esquire, J. P., to ditto.  
 No. 31. Answers of C. Verdon, Esquire, J. P. to ditto.  
 No. 32. Answers of H. B. Johnstone, Esquire, J. P., to ditto.  
 No. 33. Answers of J. Eden, Esquire, Postmaster, to ditto.  
 No. 34. Answers of J. Perchard, Esquire, J. P., to ditto.  
 No. 35. Answers of C. Davis, Esquire, to ditto.  
 No. 36. Answers of J. Ahier, Esquire, J. P., to ditto.  
 No. 37. Answers of N. Duinaresque, to ditto.  
 No. 38. Prothonotary's Return of Actions instituted in the County of Bonaventure, during the last three years.  
 No. 39. Prothonotary's Return of Actions instituted in the County of Gaspé, during the same period.  
 No. 40. Return by Clerk of the Peace of times and places of holding Sessions of the Peace during the same period, Indictments found, Trials had, Convictions, Sentences.  
 No. 41. Sheriff's Return of Commitments and Discharges at the Gaol of New Carlisle, from 1830 to 1842.  
 No. 42. Sheriff's Return of Commitments and Discharges at Percé Gaol, in 1841-1842.  
 No. 43. Return by the Sheriff of Writs of Capias issued from the Provincial Court, from 1834 to 1842.  
 No. 44. Sheriff's Return of Executions issued in the County of Gaspé, during the last three years.  
 No. 45. Letter from Sheriff in answer to Queries as to the composition of Grand and Petty Juries, and the Districts and Distances from which they are summoned.  
 No. 46. Letter from Prothonotaries enclosing Returns, Tariff of Fees in Provincial Courts,—and answering Questions respecting estreating of recognizances.

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(A.)

## COPY OF COMMISSION.

4th October.

*Commission appointing Commissioners to inquire into the Administration of Justice in the Inferior District of Gaspé.*

[L.S.]

Province of Canada,  
(Signed,) "CHARLES BAGOT."

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c. &c. &c.

To the Honorable Andrew William Cochran, Esquire, one of our Counsel in the Law, in and for that part of our Province of Canada called Lower Canada, and to Pierre Benjamin Dumoulin, Esquire, also one of our Counsel in the Law in and for Lower Canada aforesaid, and to all others to whom these Presents shall come, or whom the same may concern;

GREETING:—

Whereas the Honorable the Legislative Assembly of our said Province of Canada, did by their Address to the Governor General of our said Province on the fifteenth day of September last, request that inquiry might be made whether any, and what, abuses exist in the Administration of Justice in the Inferior District of Gaspé, rendering a reform in the Judicature thereof necessary; Now know ye that We, in compliance with the said Address to our Governor General of our said Province, and reposing trust and confidence in your loyalty, ability and discretion, have constituted and appointed, and by these do constitute and appoint you the said Andrew William Cochran, and Pierre Benjamin Dumoulin to be our Commissioners, with power and authority to proceed, act, consult and inquire, touching the Administration of Justice in the Inferior District of Gaspé, in that part of our said Province of Canada called Lower Canada, and the laws now in force regulating the same, with the view and intent of ascertaining the operation of the several Courts of Superior and Inferior jurisdiction, as well civil as criminal, at present established in the said District, the conveniences and inconveniences experienced from the times and places at which the same are now respectively holden, the state, number, situation and sufficiency of the various Court Houses, Gaols and other public buildings within the said District, at present erected at the public expense or employed for uses connected with the Administration of Justice, and the efficiency of the Magistracy, Militia and Constabulary force as at present constituted for the purposes of Police, the repression of crime and the security of all our loving subjects or others inhabiting or resorting to the said District, and for these purposes to collect all the requisite information, documentary or otherwise, connected with the premises aforesaid; and thereupon such report to make to us through our Governor, Lieutenant Governor, or person Administering the Government of our said Province for the time being, as well in the premises aforesaid, as, also, in respect to your opinion whether it would not be desirable to make any and what alterations, changes, additions or modifications in or to either the constitution, Jurisdiction, powers or authority of the several Courts, civil and criminal, established in the said District, or the local divisions or subdivisions of the same, or the number, size or situation of the Court Houses, Gaols or other public buildings within the said District, or any other the powers, authorities, matters or things relating to, or connected with the premises aforesaid as in your judgment

shall be most for the interest, welfare and good government of that part of our said Province and of all our loving subjects therein, hereby charging and commanding all persons whom it may concern to be aiding and assisting you our Commissioners as aforesaid in the performance of the duties by these our Letters Patent assigned to you. And we do further give full power and authority to you our Commissioners as aforesaid, to send for, receive and examine all such records, documents and papers as you, our Commissioners shall judge necessary in the premises.

In testimony whereof we have caused these our Letters to be made Patent and the great Seal of our said Province to be hereunto affixed:—Witness our Right Trusty and well beloved the Right Honorable Sir Charles Bagot, Knight Grand Cross of the Most Honorable Order of the Bath one of our most Honorable Privy Council, Governor General of British North America and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice Admiral of the same &c. &c. &c.

At our Castle of St. Louis, in our City of Quebec, in our said Province this ninth day of July in the year of our Lord one thousand eight hundred and forty two and in the sixth year of our Reign:

(Signed,) "THOS. C. MURDOCH."  
"C. B." "Secretary."

(B.)

## COPY OF INSTRUCTIONS.

Secretary's Office,  
Quebec, 11th July, 1842.

GENTLEMEN,

I am commanded by the Governor General to transmit to you a Commission under the Great Seal, appointing you to be Commissioners of Inquiry in regard to the Administration of Justice in the Inferior District of Gaspé.

The Inquiry with which you are charged is necessarily of so wide and general a character that His Excellency feels unwilling to fetter your discretion by any precise instructions as to the mode in which you should conduct it. It will of course be your object to collect the utmost possible amount of information on the various subjects to which it relates, the actual operation of the present Judicial system of the District, the state of the Buildings employed for uses connected with the Administration of Justice and the efficiency of the existing organizations of the Militia and Magistracy for Police purposes.

You will also endeavour to ascertain the opinions generally entertained, in different localities and by persons of different political views on these points; the changes by which they would propose to remedy any abuses of system that may be complained of, whether as regards the Constitution and relations of the several Courts of Superior and Inferior Jurisdiction, the times and places at which they should be held, the number and site of the Court Houses and Gaols required, or the composition of the Magistracy and the Militia and Police system of the District generally. On all these topics His Excellency confidently trusts that you will be enabled to submit a Report that shall place the Executive and Parliament in full possession of the facts of the case and of the

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view taken by yourselves as to the changes, if any, required to increase the efficiency and popularity of the system.

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I am to add that it is of the utmost importance your Report should be rendered at the latest before the end of September. You will not fail therefore to take the first opportunity of proceeding to Gaspé, and to prosecute your inquiry on your arrival there with all possible despatch.

I have the honor to be  
Gentlemen,  
Your most obedient Servant.  
(Signed) "THOS. C. MURDOCH."

Hon. A. W. Cochran, Q. C. &  
P. B. Dumoulin, Esq. Q. C.  
Commissioners of Inquiry  
in regard to the Administration  
of Justice in the Inferior  
District of Gaspé, &c.  
&c. &c.

(C.)

COPY OF GENERAL QUESTIONS CIRCULATED IN THE DISTRICT BY THE COMMISSIONERS.

*General Questions circulated by the Commissioners of Inquiry in the Inferior District of Gaspé.*

1. What number of Justices of the Peace reside in or near the settlement of \_\_\_\_\_ and how many of them have qualified and act as Magistrates?

2. If you are yourself a Justice of the Peace, be pleased to state how often you have been called upon to act in that capacity during the last three years; and what has been the nature of the cases brought before you?

3. In what manner are offenders against the laws proceeded against in the first instance; and by what Officers or Constables are they brought before the Justices of the Peace?

4. Are the Officers and Sergeants of Militia employed as Peace Officers to execute process in criminal matters, and to have charge of accused parties and convey them to prison?

5. Is it usual for Justices of the Peace to discharge persons accused, on giving bail or security to keep the peace; and what has been the effect of such course of proceeding; what steps have been taken to prosecute for and recover such securities when forfeited, within your knowledge or information?

6. How many convictions have taken place within the last three years before you or any other Justices of the Peace in your neighbourhood within your knowledge, or according to good information received by you; and how have such convictions been enforced or carried into execution?

7. Has it been found necessary and easy to appoint and employ Special Constables to execute process and arrest and convey to Prison parties accused?

8. Be pleased to state any difficulties that have occurred or now exist in arresting, securing and committing offenders or persons accused; and state

your opinion as to the best mode of removing such difficulties?

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9. How often have general Sessions of the Peace been *actually* held at \_\_\_\_\_ during the last three years and in what building?

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10. What particular circumstances have prevented the holding of such general Sessions of the Peace according to law, at any of the regular periods during the last three years; be pleased to state the causes fully as far as within your knowledge or information?

11. Has there been generally a sufficient number of jurors summoned and in attendance at such sessions when holden, if not, state the causes of their non attendance, as far as within your knowledge or information?

12. Has there been any difficulty experienced to your knowledge or belief, in obtaining Bills of indictment to be found by such Grand Juries, or verdicts of conviction by such Petty Juries on sufficient evidence laid before them respectively; if so, state the cause of such difficulty to the best of your information or belief?

13. State particularly any instances within your knowledge or information (without mentioning names) where offenders against the laws in or near the settlement of \_\_\_\_\_ have during the last three years escaped prosecution or conviction, and from what causes or circumstances according to the best of your knowledge or information?

14. Do you think it desirable that the number of Justices of the Peace or Officers of Militia to serve as Peace Officers should be increased in or near the settlement of \_\_\_\_\_ and if so, can qualified persons be found for the purpose?

15. Do you think it desirable that General Sessions of the Peace should be held at any other, and what *times* and *places* than those now fixed by law. If so, be pleased to state fully the grounds of such opinion?

16. In what manner would you propose that the duty of Clerk of the Peace should be provided for, at such additional Sessions of the Peace?

17. Do you consider it necessary that the number of Gaols and Court Halls should be increased in the County of \_\_\_\_\_. If so, in what places would it, in your opinion, be most advisable that such new Gaols and Court Halls should be erected, and state whether the whole or any part of the expense of such erection, and of the subsequent maintenance and safe-keeping thereof, could be levied or otherwise provided for within the County or Municipal District, and in what manner.

18. Is it your opinion that the existing provision by law for the Administration of Justice in the Inferior District of Gaspé, in civil matters, and for bringing to justice the higher classes of criminal offences committed therein; is sufficient or otherwise, taking into consideration the present state of the District?

19. If you consider it insufficient, be pleased to state your opinion, and the grounds thereof fully, together with the remedies and amendments you would suggest, under the different heads of—

*First*, The Constitution of the Court or Courts, whether by one or more Judges?

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Secondly, The distribution of Jurisdiction to the different Courts.

Thirdly, The amount to which each should have Jurisdiction.

Fourthly, The arrangement of the regular terms of each.

Fifthly, The modes of issuing Writs of *Capias* or Attachment.

Sixthly, The Circuits of the Courts of Superior and Inferior Jurisdiction, *where*, and *when*, and *by whom* to be holden.

Seventhly, What Jurisdiction for the trial of Criminal offences might beneficially be granted to any one or more of such Courts, and *when*, *where*, and *by whom* to be exercised.

Eighthly, The establishment of a tariff of fees, or the modification of any, now existing.

Ninthly, The subdivision or delegation of the duties and powers of the officers of the existing Courts.

Tenthly. The Rules of Practice.

Eleventhly. The manner and form of taking in *Execution*, *Advertizing* and *selling* real property under Judgments.

Twelfthly. The right and manner of *Appeal* from Judgments, in what cases and to what amount.

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20. Please to state any particular facts or grounds within your own knowledge which may shew the sufficiency or insufficiency of the existing system of Judicature for the recovery of debts, the determination of other rights of individuals or of the Crown, or the trial and punishment of offences not cognizable in Sessions of the Peace ?

21. Would you think it advisable to appoint one or more High Constables for the two Counties of the Inferior District, or to establish a local Rural Police. If so, do you conceive that the expence of such appointment or establishment might be provided for, wholly or partly, within each County or Municipal District, and in what manner ?

22. Please to give any information you possess or can procure as to the actual population of the settlement of \_\_\_\_\_ the number of heads of families, and of persons; their business or callings ?

23. Please to state what roads (carriage roads horse roads, or foot paths) are passable between \_\_\_\_\_ and for what distance.

SUPPLEMENTARY QUESTION.

Please to state any instances within your knowledge where individuals have sacrificed debts or claims of considerable amount or have not endeavoured to recover them by law in consequence of the defects of the present system of Judicature in the District of Gaspé, or from want of confidence in it ?

(D.)

LIST OF JUSTICES OF THE PEACE IN THE DISTRICT OF GASPE,

NAMED IN THE LAST COMMISSION.

Settlement.	Distances.	Population, Souls.	Justices of the Peace.	Whether they have qualified and act.	Observations.
Cape Chat.....	.....	50			
Stc. Anne.....	.....	320			
Mont Louis.....	.....	20			
River Madeleine..	.....	15			
Grand and Petite Vallée.....					
Cloridorm.....					
Grand Etang.....	} 160 miles				
Fox River.....					
Griffin Cove.....					
Cape Rosier.....					
Gaspé Head.....					
Indian Cove.....					
St. George's Cove.....				{ Francis Ahier, St. George's Cove..	} Has qualified and acts.
Grande Grève....			P. Le Mesurier.....		
Cap de Beauxeaux			Joshua Dennis.....	Has not qualified.	

Appendix (G.)	Settlement.	Distances.	Population Souls.	Justices of the Peace.	Whether they have qualified & acted.	Observations.	Appendix (G.)	
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	Peninsula .....	.....	.....	J. D. McConnell, Gaspé Baisin...	Have qualified and acted.			
	North West Branch	.....	.....	H. O'Hara, Gaspé Baisin.....				
	Anseaux Cousins..	50 miles, by the different settlements.	530....	J. Perchard, Gaspé Baisin.....	Have not qualified.			
	South West Branch			.....				C. Davis, Anse aux Cousins .....
	Gaspé Baisin.....	.....	.....	J. Langudoc, South West Arm.....	Do.			
	Sandy Beach.....	18 miles to Point St. Peter.	520....	I. Kennedy, Douglasstown .....	Do.			
	New Haldimand..			.....	H. B. Johnstone, Port St. Peter...	Has qualified and acts		
	Douglasstown ....			.....	C. Verdon, Mal Bay..	Do.		
	Seal Cove, &c.....	15 miles (by land) to Percé	600....	Peter Magbee, Beach	Has not qualified			
	Point St. Peter...			.....	John Le Bouthillier, Percé .....			Has qualified and acts
	Mal Bay .....			J.B. Blouvin, Percé	Do.			
	Corner of the Beach			.....	J. Lenfestey, do.	Has not qualified		
	Percé .....	12 miles .....	800....	Vict. Mignault, do.	Has qual. & acts			
	Anse au Beaufile..		.....	400....	Wm. Tilly, Cape Cove	Do.		
	Cape Cove .....		250....	Josiah Cass, do	Do.			
	Cape D'Espoir ...			.....	J. Beck, Cp. Désespoir	Do.		
				P. Duval, Bonaventure Isl.....	Do.			
	Little River.....	4 miles	1000....	Louis Lelievre, Little River.....	Has not qualified	Is supposed to have been appointed by mistake.		
	Grand River.....	6		Anselme Thibaudau Grand River	Has qualified and acts			
	Pabos.....	10		W. Carter, Pt. Daniel	Do.			
	New Port.....	4		Farquhar McRea, Hopetown .....	Do.			
	Port Daniel.....	14 milés	540....	S. Talbot, Nouvelle	Has not qualified			
	Hopetown.....	12 "	.....	Robert Caldwell, N. Carlisle .....	Has ceased to act			
	East Nouvelle....	3 "	.....	E. H. Enright, Cox	Have qualified and act			
	Cox including New Carlisle and Paspébiac .....	10 miles.....	1670....	W. McDonald, do.	Has not qualified.....	Removed to Quebec. Dead.		
	Hamilton including Bonaventure .....	9 miles .....	1100....	Pierre Poirier, Bonaventure .....	.....			
	New Richmond including Black Capas and Cascapebiac .....	28 miles .....	950....	James McCracken, Charles Poirier,...	Has qualified and acts			
	Maria.....	8 miles .....	1000....	John Cruger, Black Cape,	Do.			
	Carleton, including	.....	.....	J. Meagher, Marion	Have not qualified.			
		.....	.....	Amand Cire, do..	Do.			
		.....	.....	Louis Cire, do..	Do.			
	Nouvelle River..	13 miles.....	720....	H. Landry, Carleton	Has qualified but does not act .....	Is absent all the summer being a Navigator. Removed to New Brunswick.		
		.....	.....	John Landry, do..	.....			
	Seigniory of Shoobred & CrossPoint	28.....	800....	Hilaire Michaud..	.....			
		.....	.....	J. G. LeBel, J.P, do	.....			
	CrossPoint to Matapebiac, including Mission Point, Flat Lands, Kempt Road, &c. ....	30.....	1250 (including 400 Indians at Mission Point.	None .....	Has qualified and acts...	Lives on the New Brunswick side of the Ristigouche.		
		.....	.....	Robert Ferguson,...	Has qualified but seldom acts			
		.....	.....	Thomas Busted, Ristigouche.....	Have not qualified.			
		.....	.....	P. Adams, Ristigouche	.....			
		.....	.....	J. Adams, Ristigouche	.....			



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(E.)

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COMPARATIVE VIEW of the Population of the District of Gaspé in the Years 1819, 1825, 1831, and 1842:

4th October.

4th October.

SETTLEMENT.	1819.	1825.	1831.	1842.	OBSERVATIONS.
Cape Chat.....	18	26	37	*50	* The population of these first four places is taken from an estimate by J. Le Bouthillier, Esq. In the Census of 1825 und 1831, Ste. Anne's and Grand Etang are reckoned together.
Ste. Anne.....	38	39	130	*320	
Mont Louis.....				*20	
River Madeleine.....				*15	
Grand and Petite Vallée.....					By Returns furnished to the Commissioners of Inquiry.
Cloridorm.....					
Grand Etang.....					
Fox River.....	35	53	71		
Griffin Cove.....	30	48	69	109	
Cape Rosier.....	18		40		
Gaspé Head.....			76	*75	
Indian Cove.....			43		
St. Georges Cove.....			50		
Grande Grève.....	123	276	105	*158	
Cap de Beauxeaux and Little Gaspé.....			61		
Peninsula.....			90	Ditto.	
North West Branch.....				*418	
Anse aux Cousins.....					
South West Branch.....	224	256	322	Ditto.	
Gaspé Basin.....				† Estimated by adding two-thirds as the ratio of increase, to the amount in 1831; and taking in the population of new settlements along the shore.	
Sandy Beach.....					
New Haldimand.....	31	61	43	†520	
Douglasstown.....	109	129	159		
Seal Cove, &c.....			37	†650	
Point St. Peter.....	52	44	199		
Mal Bay.....	141	264	361	§ By Estimate of J. Le Bouthillier, Esq. and the Rev. Mr. O'Grady.	
Corner of the Beach.....	21		62		
Percé.....	285	347	500	§800	
Anse au Beaufils.....		73	186	400	
Cape Cove.....	108		234	**250	
Cape D'Espoir.....					
Bonaventure Island.....	43	93	172	††220	
Little River.....			145	†† Estimated by adding two-thirds, as the rates of increase, to the amount in 1831, and allowing for new settlements.	
Grand River.....	100	250	257		
Pabos.....	35		53	1000	
Newport.....	95	152	140		
Port Daniel and Hope Town.....	281	279		750	
East Nouvelle.....		334		540	
Cox.....					
New Carlisle.....	434	607	2354	1670	
Paspébiac.....	334	471			
Hamilton.....	402	518		1100	
Bonaventure.....					
New Richmond.....				950	
Black Cape.....	283	446			
Cascapédiac.....				1000	
Maria.....	357	475			
Carleton.....	427	576		720	
Nouvelle River.....					
Shoolbred Seigniorie.....		121		800	
Cross Point.....			2606		
Mission Point.....		381		1250	
Flat Lands.....		Indians			
Kempt Road.....		109		Including 400 Indians.	
Matapédiac.....					
Totals.....	4024	6498	8502	14176	

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COMPARATIVE VIEW OF THE TRADE OF THE DISTRICT OF GASPE, 1818, 1829, 1831, 1841.

1818.	Tons.	1818.	Tons.
Vessels entered, 19.		Vessels cleared, 16.	
1829. do. do. 67.	18327.	1829. do. do. 64.	10512.
Do. cleared at Quebec for Gaspé, 96.	3904.	" do. to Quebec, 64,	2807.
Official value of merchandize imported, paying 2½ per cent.	£12700.		
Duties Collected,	£1083.		
1831.		1831.	
Vessels entered, 84.	14321.	Vessels cleared, 57.	8900.
Value of imported merchandize paying 2½ per cent.	£11581.		
1841.		1841.	
Vessels entered 87.	10664	Vessels cleared, 96.	11960
Value of imports, £29027.		Value of exports, £70142	
(Not including goods sent coastwise.)		(Not including goods sent coastwise.)	
Duties collected about,	£1800,		
<b>Imports. Spirits and Provisions,</b>			
		1831.	1841.
Rum Gals. ....	6900	11314	
Molasses, " .....	4553	10527	
Flour, bbls. ....	498	4300	
Pork " .....	18	2163	
Butter, kogs, .....	2	126	
Rice, lbs. ....	6259	15000	
Potatoes (Bushels) .....	3400	60	
<b>Exports. Fish, Oil, Timber, Lumber,</b>			
Codfish, cwts. ....	30743	66528	
Do. bbls. ....	65	270	
Fish Oil, Gals. ....	15812	6500	
Deals (Pieces) .....	38357	20000	
Deal ends " .....	3897	1443	
Staves .....	21896	6766	
Pine Timber .....	643	600	
Do. tons .....	7168	6500	
Treenails, pieces .....	5323	16000	
Birch Timber .....	156		

Agricultural Progress—1819. 1831.

The Statistical Returns of 1819 furnish very imperfect data on which to calculate the increase of Agriculture in the District of Gaspé up to 1831. The Census of 1825, as published in the Journals of the House of Assembly, contains no information on this subject.

The Statistical Table drawn up in 1820 (for 1819) gives a column for those "deriving their subsistence from Agriculture," to the number of whom may fairly be added half the number stated in the column for "Servants."

The result would be for 1819.

Proprietors or Tenants living by Agriculture.....	577
Servants .....	250
	827

The Census for 1831, as published in the Journals of the Assembly, only shews the number of families and persons living by Agriculture in the County of Bonaventure. But the increase in that County alone over the returns in 1819 is as follows:

1831. Proprietors living by Agriculture.....	459	
Farm Servants.....	330	789
1819. Proprietors living by Agriculture.....	362	
Farm Servants.....	60	422
		Increase in Bonaventure, 367 or nearly two fold.
<b>Increase of Agricultural Stock.</b>		
	1819.	1831.
Horses .....	401	677
Horned Cattle.....	2406	5411
Sheep.....	3470	3980
Hogs.....	5017	16409
1819. 4 Grist Mills.		
1831. 6 " "		

No. 1.

Answers of Judge Thompson to General Questions.

District of Gaspé, Percé, 1st. August, 1842.

GENTLEMEN :

I have the honor of acknowledging the receipt of your letter of the 22d. July last, transmitting to me in your capacity of Commissioners appointed by His Excellency the Governor General to inquire into certain matters connected with Administration of Justice in this District, certain questions relative thereto, requesting as early a reply as possible.

In compliance with your request I communicate the following answers :—

To the 1st. Question—Three, two only have qualified.

2d. I am the Provincial Judge for this District and also in the Commission of the Peace for that part of the Province lately the Province of Lower Canada, but have not been called upon to act in my capacity of Justice of the Peace for the last three years; consequently no cases have been brought before me during that period.

3d. By a Warrant founded upon a deposition before a Magistrate, and the party is usually brought before the nearest Magistrate by a Constable.

4th. I do not recollect of any instance in which they acted.

5th. It is usual for Justices of the Peace to discharge persons accused on giving Bail or Security to keep the peace, and it has frequently happened that the same offender has been a second time discharged on giving Bail for a second assault upon the same person during the existence of his previous security, there being no Tribunal in the District to take cognizance of securities when forfeited.

6th. None before me during that period, nor can I say how many have taken place before the other Justices of the Peace in my neighbourhood, nor how they have been enforced or carried into execution, their proceedings (except in a few instances) seldom reach the office of the Clerks of the Peace.

7th. It has not to my knowledge been found necessary in this County (Bonaventure) to employ special Constables to execute process against parties accused.

8th. I know of none, except in the case of the wreck *Colborne* where a large portion of her valuable cargo was stolen for want of sufficient power to secure it. A rural Police would be the best mode of preventing that and other difficulties recurring.

9th. The Sessions of the Peace at New Carlisle have been held at the usual periods for the last three years, with a few exceptions, owing, as I have understood, to a want of Magistrates in attendance.

10th. The few exceptions in holding the Sessions of the Peace at New Carlisle within the usual period as stated in my last answer is owing to a want of a *quorum*.

11th. Jurors have always attended in sufficient numbers.

12th. In some instances from want of information upon subjects referred to them. A Chairman pos-

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sessed of sufficient legal acquirements would remedy this difficulty.

13th. Offenders against the laws residing in the settlement of New Carlisle have, in some instances escaped prosecution and conviction for the cause already mentioned.

14th. Two additional Justices of the Peace in New Carlisle or its neighbourhood would be desirable so as to secure a *quorum* of Magistrates at the Sessions of the Peace, a Rural Police would be preferable to an increase of Officers of Militia.

15th. I think the Sessions of the Peace as now held at New Carlisle and Carleton are sufficient for this County (Bonaventure.)

16th. No General Sessions of the Peace other than those already established by law being required, according to my opinion, no provision need be made for the additional Sessions of the Peace.

17th. No, A Gaol and a Court Hall ought to be sufficient, and those in New Carlisle are adequate to the wants of the County of Bonaventure.

18th. No, I do not.

19th. I would recommend—1st. That independently of the Provincial Judge, another should be appointed to reside at Percé in the County of Gaspé—2nd. That the two Judges should have unlimited Jurisdiction in Civil and Criminal matters, and in cases where there may exist a difference of opinion on the Civil side, the record to be removed to the Court of King's Bench for the District of Quebec, to be there re-argued and decided or a Judge from that or any other Court sent down to decide jointly with the Provincial Judge and the resident Judge of the County of Gaspé, all such cases where in such difference of opinion may have existed, or that the Chairman of the Quarter Sessions (if a legal character) be called in on all such occasions for that purpose. 3dly. That the Provincial Judge should, in the County of Bonaventure and the Judge in the County of Gaspé, hold limited or County Courts in the same manner as the Inferior Court of King's Bench for the District of Quebec hath been heretofore held. I would further recommend that each of the Judges in cases above £10 sterling, should have the power of issuing all writs in their respective Counties, and proceed therein as if both Judges were present, no Judgment however to be rendered until a previous hearing be had before both of them. 4thly. The limited or Inferior Courts to be held at New Carlisle in the months of December and March, and at Carleton in the month of January every year by the Provincial Judge, and at Percé in the County of Gaspé in the months of May and September, and at Douglass Town in the month of June of each year by the Resident Judge of that County, each term to consist of five days; and the Superior Court to be held during the last twenty days of July at New Carlisle and the last twenty days of August at Percé annually; on the first six days of each of the Superior Terms at New Carlisle and Percé the two Judges to take cognizance of Criminal matters not cognizable by the Sessions. 5thly. That Writs of *Capias ad respondendum* or *ad satisfaciendum* should be issued by either of the Judges as well as all writs of attachment, to be tested in the name of the Provincial Judge, and that the Prothonotary be (as by law he now is) authorised to issue the first and last mentioned description of writs. 6thly. The Tariff (in the absence of Legislative measures thereon) ought to be made, modified or

altered by the two Judges, and ought to be assimilated to that of the Court of King's Bench at Quebec, as it stood previously to the introduction of District Courts, as well for the Inferior as Superior Court. 7thly. The Prothonotary being the only officer of the Court who cannot delegate his authority, ought to be vested with that power by law, his Deputy to reside at Percé. 8thly. That the Court of Superior Jurisdiction be empowered to make Rules of Practice for the Inferior as well as Superior Courts. 9thly. That all writs of Execution issuing in satisfaction of Judgments rendered in any of the Courts in this Province (L. C.) against moveable or immoveable property situate within this District be directed to the Sheriffs of this District to be sold according to law at the Court Hall of the County in which the same may have been seized. 10thly. That an appeal be allowed from all final Judgments above £20 sterling to the Provincial Court of Appeals, upon notice given to the Judge of the County in which such Judgment was rendered, without a Writ of Appeal upon the party appealing entering into sufficient security that he will prosecute his appeal within a reasonable time to Judgment.

20th. I have already stated that the existing provision by law for the administration of Justice in Civil matters is insufficient—no Court for bringing to Justice the higher classes of Criminal offences ever existed in this District, excepting a Court of Oyer and Terminer and general Gaol delivery recently held at New Carlisle. The rights of the Crown have not been attended to for want of a legal character specially appointed for that purpose.

21st. A Rural Police would be preferable to High Constables for each of the Counties in this District. The expense of such an establishment could not be borne by the Inhabitants for the present.

22nd. I cannot answer this question satisfactorily for want of sufficient information upon the subject.

23rd. The road from Port Daniel to Maguashias in the upper part of the County of Bonaventure is passable with carriages. It is intersected by the Rivers East Nouvelle, Bonaventure, Little Cascapebia, Grand Cascapebia and West Nouvelle. There is a Bridge over the first; the second, third and fourth are crossed in licenced ferry boats or scows, the last is not provided with any regular mode of crossing, that I am aware of. The road from Little Bonaventure to New Richmond is, for a few miles very indifferent, and that on either side of the Grand Cascapebia for at least two miles, is very indifferent in summer and scarcely passable in the spring and fall. I know nothing of the roads above the Maguashia. I can give no information as to the roads in the County of Gaspé, having always travelled in that direction by water.

I have the honor to be,  
Gentlemen,  
Your most obedient servant.

(Signed,) JNO. G. THOMPSON,  
Provincial Judge  
District of Gaspé.

The Honorable  
A. W. Cochran, &  
P. B. Dumoulin, Esquire, Q. C.  
Commissioners, &c. &c. &c.

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No. 2.

*Answers of Robert Christie, Esquire.*Appendix  
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Answers to the Questions propounded by the Hon. A. W. Cochran and P. B. Dumoulin Esquire, Commissioners appointed by His Excellency the Governor General for inquiring into certain matters connected with the Administration of Justice in the District of Gaspé, dated 20th July, 1842.

With your permission I will dispose of all the questions to the 17th, inclusively, in an answer, taking up the several heads, in so far as I can answer them.

I am not in the Commission of the Peace, nor do I hold any office under the Government. There is but one acting Magistrate on this River, (the Ristigouche,) and he, as I have reason to know, only acts when he cannot avoid it, from a conviction that his authority, if at all resisted, is nugatory, owing to the want of an efficient Judicature and Constabulary force in this District, to give effect to the laws. There is in reality, no Militia in this District, whatever names may figure as officers of it in the books of the Adjutant General of Militia, to assist the Magistracy in cases of need. I know none in this vicinity who would serve as Special Constables, nor, in case of refusal, do I know how they could be compelled or amerced for refusing. I believe there is not energy enough in the Magistracy to compel the Officers, Serjeants of Militia, and Peace Officers to do their duty, and the District, as matters are at present, is virtually without a Judicature, and unprotected by the laws.

I have never heard of any steps for the recovery of forfeited securities, and do not believe that an estreat of a recognizance, or proceeding to that effect, had ever been attempted; consequently recognizances are merely *pro forma*, and being so understood, are thought little or nothing of in the District.

I have never known a person of this neighbourhood or District sent to Gaol on criminal process, except in a case of homicide that occurred some time ago, though there may have been cases with which I am unacquainted. The Gaol at New Carlisle is seventy-five miles distant from this place (Cross Point on the Ristigouche), and considerably over one hundred miles from the upper settlements on the river, and to convey a prisoner hence to it would not cost the prosecutor, if he were to do it at his own expense, short of five pounds, and it might cost him double the amount.

Such being the case with respect to the Magistracy and Militia, and the District destitute of Police, it may truly be said that life and property in it are unprotected by the Government. The inhabitants have indeed long and loudly complained on the subject. I will not say to no purpose since your apparition among us is some proof to the contrary, and they may, I do trust, now hope for justice. I will give you two or three instances within my own knowledge of the insufficiency of the Magistracy, there being a multitude of others which I only know of by report, and therefore think it unnecessary to allude to them. You may take them as an answer to your 8th and 13th questions.

Some six or eight years ago, a person living on the opposite (New Brunswick) side of this river, privately took from my ground, on this side, an article, of no great value in itself, but as the like had frequently occurred before, and might be repeated, I was anxious to put a stop to the practice. I com-

plained to the nearest Justice of the Peace, who issued a warrant to apprehend the offender. It was sent over the river, and being indorsed by a Justice of the Peace in that Province, where there is an efficient Police, the culprit was apprehended and brought hither to the Magistrate who had issued the warrant. I took it for granted that he would be bound over with sureties to appear and take his trial at the next General Sessions of the Peace at Carleton. I was, however, in error, and was shortly after informed that he was enlarged without the formality of giving bail, or even entering into recognizance on his own personal security. I waited upon the Magistrate, who informed me that having admonished the prisoner, he had dismissed him on his promise that he would not again take away any article whatever from my grounds, nor molest me for having caused him to be taken up for the felony. The Magistrate, a respected neighbour and friend, and in all respects worthy man, thought himself perfectly justifiable in this course, in the state of the District, (and I now think so too). Knowing the offender could not find sureties for his appearance, and that no Militia Officer, Serjeant, or Peace Officer, could be induced, much less forced, to convey him to the nearest Officer at Carleton, on his way to prison, he therefore deemed it best to make a merit of releasing him without further trouble, which must have ended in an exposure of the imbecility of the Police, and have led to renewed annoyance.

Another instance of recent date:—A neighbour was plundered, a few nights ago, of a quantity of salted salmon—the product of his fishery—lying in vats in an outhouse on his premises. Some boards on the roof had been removed, and through this aperture the salmon had been handed out, and thence conveyed to a boat or canoe on the beach close by, in which they were taken to Dalhousie, ten miles distant, and there sold to a trader, by two Indians of “The Mission” at this place. Reports of the theft going abroad, and it being ascertained that property of this description had been seen in the possession of, and known to have been sold by, the Indians in question, they thought it best to anticipate the discovery by averring the theft. One of them came to me the other day, declared the facts with much seeming contrition, requesting me to go with him to the owner, and intercede for him lest he should be sent to gaol. I declined intercession, recommending him, however, to go immediately himself with his associate, and acknowledge the whole to the owner of the property he had stolen; as he had done to me, expressing to him my horror at his guilt, and the regret I felt that he, whom I had always found a good neighbour, and deemed an honest man, should have committed so base an action. He informed me that they carried off upwards of four hundred weight of salmon, equivalent to two barrels, for which they each received merchandize and effects, to the value of nine dollars. He promised me that, by way of atonement, he would do his utmost to enable the owner to recover his property, and he has kept his word. The stolen property has been recovered, but the thieves retain the value they received for it, and remain unmolested, and probably will continue so. You, no doubt, will opine that an example ought to be made of them, and so do we, but in the total impotency of the laws here, there is no remedy, and they will go unpunished on this (the Canada) side of the river, whatever they may meet with on the other (New Brunswick) side of it, where also they are triable. I imagine if steps are taken to bring them to justice there, I am satisfied that no one here, either as Militia Officer, Peace Officer, or Special Constable, could be found to convey them to prison, nor would their friends and secret associates at “The Mission”

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(who, I understand, have gone so far as to threaten the owner of the property stolen with their vengeance if he presume to recur to the laws on the subject) allow them to be conveyed hence. It is due, however, to the Indians generally, to say that they are much displeased at the misconduct of the two individuals alluded to. While speaking of the Indians, I ought not to omit mentioning a fact or two, that does them honor. These poor people are not less sensible than the whites of the insufficiency of our laws to restrain the vicious, and are now giving us a moral lesson on the subject, worthy of the reflection of the Government and Legislature. They have recently adopted bye-laws among themselves, upon which they act with vigour and effect, an instance of which they recently gave, by publicly whipping at the church door of "The Mission," several individuals of both sexes of their tribe, for theft, drunkenness, and other improprieties, tending to bring disgrace upon their community. They have established a "Temperance Society," under the auspices of the Roman Catholic Bishop, Monseigneur de Sydine, and the resident Missionary, the Rev. Mr. Malo, of whose attention to their moral improvement, enough cannot be said; and the more profligate and hopeless among those who have violated their pledge have been punished in this way, and very severely. They have erected a whipping-post in *terrorum*, at the Church door, and it is not long since that it was a matter of serious consultation, and, I believe, it is still *subjudice* whether they ought not publicly to flog a Chief whose former habits of intemperance are known, and who, as it is alleged by one of his comrades on a late visit to Britain, acted, while there, and on his way returning home, in a manner derogatory to his station and discreditable to himself and tribe. This, I know, has been gravely discussed, and I notice the whole, as a reflection upon our own police and laws, and particularly as indicative of an earnest disposition in the Indians to check the immoral practices which have grown up among them, to reform their habits, and to raise their condition above its present level, and to do, if possible, for themselves, that which the Government, long ago, ought to have done for them, or at least endeavoured, which, I regret to observe, has never been properly set about, if at all intended.

I may also, as another instance of the inefficiency of our Judicature on the Criminal side, allude to a case of homicide that occurred thirty miles below this place, at Carleton, two years since. A Blacksmith of that Township, being, while in the act of heating a small rod of iron at his furnace, excited by some provoking language of an individual who had entered his forge, thrust, in a transport of rage, the red hot iron through the man's thigh, which, severing the artery caused immediate death. The unhappy homicide instantly gave himself up, going of himself, I believe, to Gaol at New Carlisle, where he remained, there being no Court in the District competent to try him, from August till May following, (May, 1841,) when he was conveyed to Quebec to take his trial there. There I understand he has ever since remained, and in the utter impracticability of compelling the attendance of the necessary witnesses from so great a distance (upwards of 500 miles,) has, I am informed, been enlarged on bail, till the trial can take place, either at Quebec or in this District, under a Commission of Oyer and Terminer as the case may be. A trial here will however be a piece of perfect mockery, unless the proceedings are conducted by Judges or Commissioners and Crown Officers sent from Quebec for the purpose, by the Government.

The above instances are facts for which I can vouch. Others to the same effect, and in abundance might be cited, but as during your tour you

will hear enough of the like, it is unnecessary that I should enlarge upon them. You will draw your own conclusions. But while on the chapter of Criminal Justice, I ought also to state that offences of a grave nature are of rare occurrence. I speak more particularly of that part of the District where I reside—they are of the minor class, and considering the inefficiency of the Magistracy and Police, it is surprising that we get along so smoothly as we do.

You have seen on your progress from Gaspé hitherto, the state of society along this coast, and can bear witness to the kindness and hospitality of the inhabitants. They are a living proof that an orderly society can exist not only without a good administration of the laws, but in despite of a bad one, merely by an exercise of the common rules of Christian charity—bearing and forbearing with each other. I have heard it frequently remarked by men of good sense and long standing in the District, that if it had had from the beginning, neither Court, nor Judge, nor Lawyers, nor Magistrates, nor Officers of Justice of any kind, and the people been left wholly to themselves, they would to-day be infinitely better off than they are with the existing local authorities, and appendages to the Provincial Court who they say have been efficient rather in plundering under legal forms, and oppressing the inhabitants, than in administering justice to them. The means of obtaining speedy and impartial justice, and at little cost, ought nevertheless to be within their reach. The moral effect could not but be beneficial to the body politic. The people of the District are of an industrious and moral character and would furnish little employ for the Magistracy or Courts, but they think themselves, and with reason, entitled to the same facilities in obtaining justice through the medium of Her Majesty's Law Courts as other subjects of Her Majesty in Canada, but which hitherto has been withheld from them, notwithstanding their unceasing remonstrances, as you may perceive by referring to the Journals of the Assembly of Lower Canada, and which perhaps may be within your own knowledge from the situation you both have held for many years past in Canada. They have been treated by the Government with a neglect approaching to contempt, and have despaired of redress. Their remonstrances have been laid aside as idle or malicious—originating in local animosities, or in personal dislike and hostility to the resident Judge. It had no ear but for him and those in his interests, to subserve whose cupidity it seemed the authority he wielded had no other purpose. Such as stood forward in the hope of being heard and obtaining redress for the public, of the abuses they felt and complained of, were by the artifices of those in the confidence of that functionary, and profiting by the abuses of his Court, not merely slandered and counteracted, and the bad made to appear the better cause, by the production of fictitious presentiments of Grand Juries, papers and depositions of various kinds expressing any thing but the sentiments even of those said to have given them, but the complainants deliberately *insulted* by the Government for *complaining*. This in fact has been my own lot during the late administration to which I submitted in respectful terms a representation of the abuse of office by the resident Judge, and general malversation in our District Judicature, offering on my own responsibility to make good my allegations if an opportunity were afforded. The first intimation in answer to it, was a flat refusal to hear any thing on the subject, and dismissal of the whole matter, coupled with an insult to me for *complaining on my own responsibility* which it was pretended I only did after failing in my attempts to induce others to do it, and which finding "impossible," I had then taken this recourse. This decision of the Government was in pursuance of *ex parte* statements

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and papers of an equivocal character to which signatures, as I afterwards learnt, had been solicited from door to door, by Bailiffs of the Court, and other dependents of it, and obtained by working on the hopes of some and fears of others, in reference to the powers of the Court, never communicated to me and handed in by the Judge as a refutation of the "libel" I had submitted to the Governor concerning him. Happily I had it in my power to shew the utter falsity of some of the matter chiefly weighed upon as cause for the insulting remarks in the communication I had received on the subject from the Governor's chief Secretary, and to point out the monstrous absurdity of *consuming* me; without previously hearing what I might have to say for myself on the point in which I was supposed to have sinned. Any other administration but that, would have felt shame at the indiscretion into which it had allowed itself to be led in the unnecessary philippic disgorged at me, and for the hasty and cavalier style in which it had disposed of the respectful remonstrance of a subject complaining of abuses in a department of the Government. The constituency of Gaspé resented in a becoming manner the affront I had experienced in their cause, and I afterwards, while attending my parliamentary duties at Kingston, received a lame kind of apology from the official by whom it was conveyed, and on the whole, considering how others who have presumed to complain on this head have fared, I am perhaps lucky in escaping hitherto so cheaply.

It is well understood here that the powers of the Court, have in retribution been made to bear as opportunities occurred on all those who have openly expressed dissatisfaction with it, and that, one by one, many of them have been victims of their sincerity, or indiscretion in this respect, while on the other hand, favors at the expense of justice are said to be dispensed to those who are in its confidence, or supposed to be so. Such, at least, you will find to be the general belief, on what grounds, the matters in detail, relevant and irrelevant if you will hear them all, that will be offered you, will enable you to judge. You can scarcely imagine the risk incurred by those who have sought for reform here in this most important of all local objects, the Administration of Justice. It is held to be actually disloyalty to the Queen,—in fact a sort of high treason, to betray impatience of, or to remonstrate upon the abuses of power by Her Majesty's Provincial Court for the Inferior District of Gaspé. It would not be surprising indeed if the Government were hateful to the people. Can it be matter of surprise to you that a Government which seemed to them to espouse and uphold the abuses by which they were aggrieved, and to side with their oppressors, should be identified with and involved in the odium belonging to them?

In reply to the conclusion of your 8th question, I am of opinion that the best remedy is to be found—First, and chiefly in a reformed Judicature—Secondly, in reformed Magistracy—and thirdly, in a reformed and well organized Militia, which I think at once the best and least expensive police force that can be devised. But I think a reform of the judicature must precede the other reforms, or neither the Magistracy or Militia will have sufficient confidence in themselves to become efficient. None in the least fit for the charge will act in those capacities, unless they feel themselves backed by an enlightened and efficient Judicature, that will at once support those who understand and will do their duty, and check such as abuse their trusts. This may be the proper place to observe in answer to your 14th question, with respect to increasing the number of Justices of the Peace, that I think there are at the present time, enough, or nearly so, in the existing Commission, and, that I cannot too earnestly recom-

mend caution as to the introduction of new Justices. There are many abuses in existence which I cannot enter upon without seeming to be personal, and I know there is much speculation afloat concerning the next Commission of the Peace, which it is suspected will be of a complexion to suit the political and self interested purposes of some two or three individuals speculating upon the influence they imagine themselves to possess with the Executive. There may be localities where a Justice or two may be wanting, and that perhaps is the case at this place, but the fewer appointed for the present the better, the Commission being, as it is, overstocked with incapables, and it is rather of that than of the better informed class, that you will find volunteers for this duty, as your own observation will shew you as you go.

As to the General Sessions of the Peace, they are very irregularly held. The Sheriff, however, regularly summonses the Grand and Petty Jurors, which I imagine must constitute a considerable item in his account against the Provincial Treasury, without producing to the public here, any corresponding beneficial effect in return. This ought to be looked into. The terms as at present fixed by law are in the summer season, and materially interferes with the industry of the population at a time the most valuable to them, and which they can ill afford to lose by attendance at the Courts. They ought in my opinion to be holden in the winter months. One term at Percé in February or March would I apprehend suffice for the County of Gaspé. A term at New Carlisle and another at Carleton, in the winter, would I imagine also suffice for Bonaventure. You will perhaps better understand my views on this matter by referring to the Bill passed by the Assembly at the late Session, but lost in the Legislative Council, intituled, "A Bill to make more ample provision than heretofore for the due Administration of Justice in the District of Gaspé," and of which I beg leave to hand you a copy. In that Bill Carleton was omitted, but on further consideration, I think it would be right to give it and the neighboring townships constituting the most populous portion of the County, the benefit of a Session, as well as New Carlisle. But I am satisfied that those Courts never can be so efficient and respectable as they ought to be, unless a man of law preside at them. I would, therefore, suggest that the District Judge (for £20 causes) when the Act comes into force in this District, be enjoined to attend and preside at those Courts, if required by the Magistrates, in order to assist them on points of law with his advice.

With respect to Gaols, I think the two at present in existence sufficient, but they ought to be repaired or rather renovated at the expense of the Province. The District is not able to bear the necessary expense of repairing, and an assessment for the purpose would be deemed a hardship. There ought to be Court Houses at Douglasstown, in Gaspé Bay, at Carleton, in Bonaventure, and at the Mission here (on the Ristigouche.) The houses at present used at Douglasstown and Carleton with some repairs would suffice, but at the Mission it will be necessary to build one for the purpose. These ought to be done at the expense of the Provincial Treasury, to which I conceive the inhabitants have, in consequence of the neglect they all along have suffered from the Government and Legislature, a fair claim.

I will, in this place, also dispose of the 21st question, relating to the appointment of a High Constable and establishment of a Rural Police. I have said above, that the Militia, according to the old system in Lower Canada, is, in my belief, at once the most economical and best constabulary force that can be devised. Re-organize the Militia, after the

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Judicature is re-formed, and you will find abundance of young and active men, of respectability, who will be proud of Militia appointments, and prove efficient Peace officers. It is true that to compel an officer of Militia gratuitously to convey prisoners to a distance, and not only to be at the loss of time in performing the duty, but also out of pocket to find sustenance for himself and perhaps his prisoner, is rather hard. But let this service be paid and it will be readily performed. A vote by the Assembly of £1000 to £1500 annually, would cover all necessary contingencies on this head. If such a provision were made for the payment of casual services of this nature, no other rural police force than the Militia will in my opinion be needed in this District, nor in Lower Canada. The appointment of a High Constable in the District I also think unnecessary. These would only tend unnecessarily to increase the patronage of the Crown in this Province already too large, and to augment the public burthens already too heavy, both of which require curtailing.

I now come to your 18th question, and in answer give it as my opinion that the existing provision by law for the administration of justice in both branches, in this District, is insufficient, and in conformity with your 19th question have to state *why* and *how*. I think I may safely say, that you must have found generally, indeed universally throughout the District a strong dissatisfaction at, and distrust of the existing administration of justice, clearly and decidedly pronounced by all classes. This I assure you is no momentary feeling but of long standing, although disguised from the Executive Government, which has either voluntarily shut its eyes to the fact, or allowed itself to be hoodwinked. The evil is in my opinion, attributable, first—to the badness of the system itself, if system it can be called, of our District Judicature. Secondly—to a bad administration under this bad system. To dispose in the first place of the latter head, I freely admit the difficulty of the Resident Judge's position, unassisted by other Judges, alone and isolated as he is in this District. But insist also that none exercising such powers should be so placed. From this very circumstance arises the chief danger. He can scarcely avoid from the nature of his duties giving dissatisfaction to many, and he is himself liable to contract partialities towards some, particularly the more obsequious whom he may mistake for friends as well as aversion and hatred of those whom he imagines his enemies, and may without control gratify his private resentments at the expense of his duty and become a petty tyrant of the most odious character involving himself and the Government in the odium and disgrace of his misconduct. Add to the above that the jurisdiction entrusted to him (cases real as well as personal not involving an interest exceeding £100) is in fact more than is entrusted to any one Judge in Lower Canada, and more than in common prudence ought to be committed to any one man, situated particularly as is the resident Judge of Gaspé, remote from the Superior Courts at Quebec, and Government, where the checks to any misuse of his powers are alone to be found. This power in the hands of the most discreet and able man could scarcely be exercised to the entire satisfaction of the public, and in those of a weak, an incautious or vacillating, not to say a vicious one, could not fail to produce dissatisfaction and alarm universally. The discontent you every where hear expressed is at once the result and the proof of a bad administration. Public opinion however clearly you may have found it expressed has not yet, in this community, acquired that consistency and effect, which in more populous and affluent localities, Quebec and Montreal for instance, act upon and keep within bounds the Judges and other public functionaries. There the judicial duties are

divided among several, each in some respects surety of the uprightness of the others, and all constantly under the eye of an enlightened and independent Bar, and a vigilant public. If any one of them were disposed to do wrong from vindictive motives, it would scarcely be in his power. He would at once be detected by his colleagues and checked—and, in case of error in their Judgments there is at hand a Court of Appeals to revise them and afford redress. They are there, merely citizens, the depositaries of the laws, respectable and respected as such, among their fellow subjects. Nothing of all this in this forlorn corner of the world. Public opinion is ineffectual. The resident Judge feels that he is independent of it—and there is no Bar of learned advocates to put him to rights, nor appeal to check him, except an appeal to Quebec which, as the law stands is something worse than no appeal at all. He wields very important powers, without any control, and is quite a Dignitary in his District, and may, if he please, play the Despot with impunity. The injured and oppressed may growl at his decisions, but they are agitators, bad and dangerous subjects of Her Majesty, and have a design upon her Government, or why cavil at Her Majesty's Provincial Court?

But confining myself, in terms of your question, to "the provision by law for the Administration of Justice in this District," and which I have stated to be insufficient, I shall give you some further reasons for thinking so. The law (first passed in 1822, if I remember rightly,) by which the existing Judicature of this District was originally set up, was, from the outset, only an experiment, and as such intended to be but temporary. This is a fact within my own knowledge, having been concerned in the framing of the Bill, as it very probably also is to the senior of the two Commissioners of Inquiry I have now the honor of addressing, from the post he at the time alluded to, held under the Government. It was continued for short periods, from time to time, by temporary Acts of the Legislature, with the intention of recasting the whole whenever the Provincial Judicature should be reformed in a measure which was then in contemplation. The Act has, however, recently been made permanent, contrary to the wishes of the people affected by it, by an Ordinance of the Special Council of Lower Canada, in which neither they, nor any portion of the population of the Province, were represented. Your own observation, without any illustration, will suffice to convince you that it is unsuited to the present day, but when I give you a faint description of the District, at the period of its enactment, you will, I doubt not, be still more confirmed in the opinion.

You are now, by coming along this coast, acquainted with the chief localities of the District, and the facts I am about to mention, will be intelligible to you, although to others who have not had that advantage they may not be so. In 1822 (the period of the enactment alluded to) the population of the District of Gaspé did not exceed by much, if any, six thousand, whereas it now, I have reason to believe, exceeds fifteen thousand. There was not, except in the village of Percé, anything like a road or highway in the County of Gaspé, nor was the County of Bonaventure in a much better state. The streets in that village were narrow, miserable lanes. Their present enlarged state is an improvement. In 1819, when I first visited Percé, the now populous and thriving settlement at Cape Cove, was not commenced—there was not even a footpath to it, or to any of the settlements along the coast from Percé, the inhabitants being obliged in their intercourse with each other to pass and repass back and forward in boats, or along the beach, and under the cliffs, sometimes at the risk of their lives. It was then supposed that a road was impracticable. I

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recollect being told by a respectable inhabitant of *Anse à Beaufils*, who had come to Percé (five or six miles) and called upon me on business, that a road between Percé and the *Anse* could never be made, owing to the nature of the ground over which it must pass, which he represented as *mountainous* and cut up with *impassable ravines* or gullies. At Cape D'Espoir, Mr. Beck, (father of the present inhabitant, John Beck, Esq.) was the only inhabitant,—there are now several. From thence to Grand River (twelve miles or thereabout) there were but two or three small houses, and these at Little River. There is now a tolerable carriage road the whole distance [twenty-one miles] from Percé to Grand River, passing through the several settlements above mentioned, made by the industry of the inhabitants themselves, without assistance from the Legislature, and the whole well settled. The road from Grand River onward to Pabos, Newport, Point Mackarel, and Port Daniel is open, though in an unimproved state, and the whole, as you must have perceived, in progress of settlement. Newport was then, as it now is, a populous settlement, and fisheries to a considerable extent were, and are still, carried on at it. At Port Daniel there was an old settlement of Acadians, but from that place to Nouvelle River there was no road, not even a footpath, and but two or three huts at *Michigawake Brook*. It was a solitary and dreary looking coast. The whole tract is now settled, and a good road runs through it. There are several fine farms on this tract, and the inhabitants generally appear in prosperous circumstances. From Nouvelle River to Bonaventure, [including Hope and Carlisle] there was an indifferent road. It is now a very good one. But from Bonaventure to Black Cape at New Richmond, there was neither road nor settler. There is now a middling good road, and all settled—and at Black Cape, then a wilderness, the best farms and most independent farmers in the District are now to be found. In Maria, the settlement whereof was then only beginning, there was scarcely a footpath. The road through this Township is now excellent, and the Township exceeds in population the neighbouring Township of Carleton, a much older settlement, and the principal place in the upper parts of the Bay des Chaleurs. In the Ristigouche there were but few inhabitants other than the Indians, and no trade but what was afforded by the salmon fishery, now dwindled to nothing—upwards of a hundred ships, laden with timber for Britain annually, for several years back, have sailed from it. There are, however, localities sadly in arrear, and among them I regret to point out the Bay of Gaspé, which has but slowly advanced in the march of improvement, owing to the great difficulties to be overcome, and the neglect it has experienced from the Government and Legislature, and signally so at the late Session, in respect of the appropriation towards roads in this District. But the general prosperity and improvement of the District have advanced prodigiously, considering the disadvantages the people have had to contend with, and, I think I may safely say, the business of it has increased an hundred fold during the last twenty years.

You have here, by the way, at Ristigouche, a striking instance of the advantages accruing to a community where there is a police and good administration of the laws, over another in its neighbourhood not having those advantages. Contrast the state of this with that of the other side of the river, and see the astonishing difference. Look at the flourishing little Towns of Dalhousie and Campbelltown. Neither of those towns existed, nor were contemplated at the period of which I am speaking (1822.) All the Merchants doing business on this river reside on the other side, and at one or the other of those towns. None, as they themselves

will tell you, think they can safely carry on business on this side, and this owing solely to our imperfect judicature and want of police. The ships they despatch for Britain are in a great measure laden with the produce (timber) of this (Canada) side. A Judge from Frederickton or St. Johns annually visits them to hold a Circuit Court of Superior Jurisdiction, civil and criminal, at Dalhousie, where the Justices of the Peace for the County sit with him. The Justices of the Peace—also regularly hold their General Quarter Sessions at the same place, exercising a civil as well as criminal jurisdiction, taking cognizance of debts of a personal nature to any amount. There is an effective Militia and Police throughout the County. At Dalhousie an elegant Court House and substantial Gaol, and to crown all, excellent roads, towards which in common with other highways throughout the Province, the Legislature annually makes liberal appropriations. How imbecile is our state compared with theirs! Yet it is entirely owing to their superior police and administration of justice, for all the natural and local advantages are in our favor, particularly as to soil, and and strange to say, even climate. I deem it a fortunate circumstance for this locality, that you have come up this far, as you can yourselves bear witness in a great measure to the fidelity of the picture I am sketching, and that it is neither exaggerated nor fanciful.

Such was the District of Gaspé then, (1822.) and such it is now, (1842.) And how altered! Yet its judicature remains unchanged, as if suited to all times and circumstances. The whole fortune of many in the District, who appear to you to be in easy circumstances, and in fact are so, considering their frugality, does not exceed £100, and who, if half the amount were levied upon them under a false or erroneous judgment would be irretrievably ruined.—Yet by the existing provision the resident Judge is the sole arbiter of many such fortunes. Is it prudent to leave such power in the hands of any man?

I have already stated that the Journals of the Assembly of Lower Canada bear ample evidence of the desire of the inhabitants for years by gone, for a reform in the administration of Justice. I have in my possession at this moment several petitions on the subject to the Legislature, signed by nearly a thousand individuals, and am yet to receive others signed probably by as many more, representing with little or no exception all the interests engaged in the District. I beg leave to hand you a copy of that signed in this locality, from which you will understand the views entertained on the subject by the Merchants and other inhabitants on this river.

With respect to the recovery of debts in this District exceeding £100, you are aware that by law the recourse is to the Superior Court of civil jurisdiction at Quebec, and, to this in the June and October Terms only. The remedy being worse than the evil, few recur to it. The delay and expense of recovering by this process have been found ruinous to all parties, and all are agreed that it is a hopeless one.

I shall now take up successively the different heads subjoined to your 19th question.

First,—As to the Constitution of the Court or Courts (by one or more Judges)—the Bill of which I have handed you a copy, is partly my answer to this head. I have, however, to remark that all those parts of the Bill relating to a twenty pound jurisdiction, may, on re-introducing the Bill, be dispensed with; the act of the late Session, for twenty pound causes, making ample provision in this respect, for Lower Canada generally, although with

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regard to Gaspé, there is an impediment in the Act, which perhaps it will be necessary to remove by a special enactment. My general plan, without entering into details, is simply this:—the great majority of cases occurring in the Court here being, as I am informed, causes under twenty pounds; the jurisdiction under the Act of the last Session, when established in this District, will meet the wishes of the inhabitants, and, in so far, obviate their needs. I would then, instead of the present Provincial Court, which I would abolish, have a Circuit Court of Superior Jurisdiction, Civil and Criminal, to sit, at least, once a-year, in two or three places: for instance, at Percé, New Carlisle, and Carleton; to consist of three or four Judges from the other Districts of Lower Canada, or, if so many Judges cannot be spared at one time, then, of two Judges and two or more Commissioners, to be specially appointed for the Circuit, such Commissioners to be Barristers of at least (ten) years' standing at the Bar of Lower Canada. I would have the sitting at each place to be eight or ten days, and the three sittings to constitute but one Term.

*Secondly*,—As “to the distribution of jurisdiction,” I apprehend the above will be deemed a sufficient answer.

*Thirdly*,—As “to the amount to which each should have jurisdiction,” I submit the same remark.

*Fourthly*,—As “to the arrangement of the regular Terms,” same remark. I may, however, add that as the twenty pound Act of the late Session gives the Governor the power of fixing the places and times of holding the Court, you will get better information, for his guidance on this matter, from the merchants and others on the coast interested in the trade, than I can give. I should say, generally, that all the Courts ought to be held, if possible, in the winter season, so as not to interfere with the industry of the inhabitants. The Superior Court, probably, for the present, can only sit in the summer, owing to the difficulty of the communication, during winter, between Quebec and this District, and the great inconvenience and personal discomfort to which, at that season, the Judges must be subjected in coming hither. It was for this reason, solely, that I fixed (in the Bill I introduced on the subject) the Circuit in the summer, believing, also, that the business likely to occupy their attention for many years to come would not greatly interfere with the occupations of the inhabitants generally. It is in small matters in which they would mostly be concerned.

*Fifthly*,—As “to the mode of issuing Writs of Capias or Attachment,” the Bill just alluded to, gives you my views of this matter. The same powers, I take it, should belong to the Prothonotaries in this, as in the other Districts, where, I believe, they have authority to issue those Writs, after administering the necessary oaths.

*Sixthly*,—As “to the Circuits of the Courts Superior and Inferior, where and when and by whom to be holden,” answered above.

*Seventhly*,—“What jurisdiction for the trial of criminal offences might beneficially be granted to any one or more of such Courts, and when, where, and by whom to be exercised.” I apprehend this also is satisfactorily answered in what has preceded.

*Eighthly*—“The establishment of a Tariff of fees, or the modification of any now existing.” This is a most important subject and deserves serious consideration. Under the existing tariff which, by the bye, though I have heard much of its effects on the people,

various inhabitants, as I am informed and well believe; having been subjected either in virtue, or under pretext, of its too ruinous executions. It is chiefly on this score that the abuses most loudly complained of, have arisen. I can, however, of my own knowledge, say little to the purpose, having during a residence of eleven years been concerned but in three cases, one of them but incidentally, and none of them of importance, and have never once been present at any sitting of the Provincial Court. You will hear abundance of complaints, however, on this subject from others. The charges under the head of mileage are exceedingly burdensome, and might be alleviated by the Sheriff by suitable arrangements if he were so disposed. For instance, a Bailiff comes from New Carlisle to this place (25 leagues), to serve a writ—his mileage, three shillings per league, according to the Tariff, is £3 15s. I have myself paid that amount for this service. A Bailiff bringing hither several writs makes a good job of it, either for himself or the Attorney employing him, who it is said pays him a per diem allowance, or so much for the trip, and pockets the amount of mileage himself on the several writs, and which he levies by execution if not paid. I have heard it said, and believe there is some truth in the report, that for one convey of writs let loose in this way by a Bailiff, and for which he was compensated in the gross by some £3 or £4, the Attorney so compensating him, afterwards actually recovered in detail by way of mileage £90 or thereabouts. I think a Tariff of fees ought to be established by law for the Superior as well as Inferior Courts, and as little as possible left to the discretion of the Judges.

*Ninthly*—“The subdivision or delegation of the duties and powers of the Officers of the existing Courts;” and,

*Tenthly*—“The rules of practice.” These are matters of detail, which I have not had time to consider, and do not at present feel myself prepared to answer.

*Eleventhly*—“The manner and form of taking in execution, advertising and selling real property under judgments.” I refer you again to the Bill on this point. The provision there made, however, may be improved as to the advertizing.

*Twelfthly*—“As to appeal.” The time by law fixed for appeals from the existing Court here, viz, twenty days, is too short. It not unfrequently happens (in fact has happened to myself in one of the cases above alluded to) that the twenty days are expired before the party finding himself aggrieved by the judgment made aware that he is so, and at the same time, that his appeal is lost. The £20 Act of the late Session carries with it, I imagine, sufficient in this behalf—and if a superior Civil Court is given to the District, its judgments will of course be liable to appeal as are those of the Superior Courts of original jurisdiction in the other Districts.

The 20th question is virtually answered in the above. I may add, however, that the jurisdiction given to the Provincial Court in causes real, not exceeding £100, is a very absurd one, and was so thought by several at the passing of the Act, but as an experiment it was allowed. Out of a case of this nature not apparently affecting at the outset real property to the value of £20, matters may arise involving thousands of pounds, and it certainly never was intended by the Legislature that on such a contingency, a very possible one, the Provincial Court should remain seized of the cause.

The 21st question I have answered above. And in answer to the supplementary question, I have to

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state that I am myself one of those persons who prefer sacrificing several small outstanding debts, making on the whole a considerable total, due me in this neighbourhood, rather than sue for them in the Provincial Court, and this solely from want of confidence in it, and I know many similarly situated to entertain the same sentiments, and who make far greater sacrifices than I do, in consequence of want of confidence in the Court.

I cannot, Gentlemen, allow myself to close these answers and take leave of you without an expression of the feeling which your appearance here has produced. I congratulate the District on your advent. The Governor is entitled to our thanks and our gratitude, as well for the interest he takes in this, to us, important matter, as for the selection he has made for the service you are performing with an earnestness that cannot but win the public confidence. Your mission will, I have not a doubt, prove creditable to the Government and yourselves, and satisfactory to the people of Gaspé, whose prosperity I have at heart—whom I wish to see loyal and contented, and above all that they shall have cause to be so, by a good administration of the laws, and equal justice to all.

(Signed) ROBT. CHRISTIE,  
M. P. P.

Cross Point—Ristigouche,  
1st. August, 1842.

*Copy of a Petition to the three Branches of the Legislature, referred to in the above answers.*

To His Excellency the Right Honorable Sir Charles Bagot, Governor General of Canada, &c. &c. &c.

The Petition of the undersigned freeholders and inhabitants of Ristigouche and adjacent settlements of Bonaventure, District of Gaspé,

Respectfully represents:—

That the judicature of this District is by experience found to be exceedingly defective as a system, and by the abuses practised under it, particularly the enormity of law expenses, the cause of much discontent among the inhabitants, who deem themselves aggrieved in being left to labour under disadvantages in this respect, peculiar to themselves and greater than any others of Her Majesty's subjects in the Province are subjected to.

The Petitioners beg leave in explanation to observe to Your Excellency, that the Inferior District of Gaspé is but a subdivision of the District of Quebec, and that in all cases involving an interest exceeding one hundred pounds currency, recourse must be had to the Courts at Québec, distant some hundreds of miles. The delay, loss of time and expense in recurring thither, are ruinous, and they consequently are seldom resorted to, the remedy being worse than the evil. The public interests necessarily suffer, and the inhabitants with reason complain, that contributing to the general revenue of the Province, at least an equal, if not a larger amount than all the rest of the District of Quebec together, they have not corresponding advantages with respect to the administration of justice; and generally that they are neglected by the Government.

The local or "Provincial Court" of the District exercising jurisdiction over cases not exceeding one hundred pounds currency is, owing to the progress and present state of the District in

adequate to the public needs, supposing it, in no other respects: unexceptionable. But your Petitioners are also humbly of opinion, that the jurisdiction is too extensive to be entrusted to any one individual, and in prudence ought not to be committed to such, without some check at hand against abuses, the Court at Quebec being too remote and difficult of access to afford redress, and the period for appeal to it too short.

Your Petitioners also represent that the holding of the said Provincial Court as heretofore, in the summer months interferes with the agriculture and fisheries, and prejudicially affects the industry of the population of the District; and that it would be to the public advantage, if the Courts therein were held in the winter, rather, than in the summer season.

Your Petitioners only desire to be placed upon an equality with their fellow subjects in the other Districts, as to the local administration of justice; an advantage they hitherto have not been admitted to. This, they presume to hope, Your Excellency will deem them entitled to; and they therefore humbly suggest that a Circuit Court of Superior Jurisdiction, to sit once or twice a-year in the District, may be established, consisting of Judges from the other Districts, or of Commissioners thereunto specially appointed; and that a Court of Inferior Jurisdiction, with cognizance of causes not exceeding twenty pounds sterling, be also established in this as in the other Districts, and that the Terms thereof be in the winter instead of in the summer months.

Your Petitioners submitting, nevertheless, the whole to the wisdom of Your Excellency, pray for relief in the premises in such shape as to Your Excellency shall seem most expedient.

Ristigouche, District of Gaspé, 1842.

No. 3.

*Answers of Messrs. Ritchie & Co.*

Ristigouche, 2d September, 1842.

GENTLEMEN,

We have the honor to acknowledge the receipt of your circular, addressed to our firm, and dated Campbelltown, N. B., 29th July, 1842, relative to the Administration of Justice, and other grievances in the District of Gaspé. We beg, therefore, to give the following answers to the various queries in said circular, and

Have the honor to be,  
Gentlemen,  
Your most obt. svts.

(Signed) ARTHUR RITCHIE & Co.

To the Honorable  
A. W. Cochran, and  
P. B. Dumoulin, Esqr.  
Quebec

*First*—There is no acting Magistrate on the Ristigouche. From Carleton, where the highest acting Magistrate resides, to the western settlement on this River, the distance is ninety to one hundred miles.

*Second*—The writer, and senior of our firm, is a Magistrate in New-Brunswick, not in Canada.

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*Third*—Offenders have never been proceeded against, to our knowledge, on the north side of the Ristigouche, with but one exception, an aggravated one; and nothing but murder, or something approaching thereto, would bring the authorities to action on the Canada side.

*Fourth*—Know of no Militia.

*Fifth*—Do not know of any arrests but the one previously alluded to, consequently cannot speak of discharges or bail being given.

*Sixth*—There have been only one conviction within our recollection, after a residence of ten years.

*Seventh*—We do not know of any means to compel Special Constables to act, even if necessity required such services.

*Eighth*—The only method to remedy these difficulties must be a new and efficient Judicature, a Court Hall and Jail at the Flat Lands, and Officers clothed with sufficient power to enforce the laws.

*Ninth, Tenth, Eleventh & Twelfth*—Cannot say.

*Thirteenth*—Do not know of any.

*Fourteenth*—Four resident Magistrates are necessary on this river, from the Mission Point upwards, and in their selection great care is necessary, as few in that District are gifted with the needful qualifications.

*Fifteenth*—There ought to be General Sessions of the Peace held annually at Flat Lands' Settlement, and in the months of February or March.

*Sixteenth*—In a similar way to that of other Clerks of the Peace.

*Seventeenth*—We beg urgently to recommend an additional Court Hall and Gaol at the Flat Lands, and are satisfied that one half the cost of the Buildings and support thereof would be defrayed by the Proprietors of Lands on the Ristigouche, the costs on travelling all the way to New Carlisle to seek for justice in one single case is far more than would be adequate to defray the tax needful from each resident inhabitant.

*Eighteenth*—Our opinion is that the existing provisions by law for the administration of Justice in the inferior District of Gaspé, is insufficient in every respect, more particularly in this important section of it, where advances to the Lumbering class are very extensive. A Court with an unlimited jurisdiction is requisite, and in addition an inferior Court for twenty pounds and under, the latter to be held as frequently as possible, the former, once in each year. A Judge or Prothonotary to reside on the Ristigouche to issue writs of Capias or Attachment.

*Nineteenth*—These are queries to which we cannot reply in detail. Reform in the Judicature of the District is loudly called for. One Judge is not sufficient.

*Twentieth*—We decline answering this Query.

*Twenty first*—A High Constable or a local Rural Police is unsuited to this part of the District. In our opinion, an efficient Magistracy and Militia are the cheapest and best mode of protection to the inhabitants, coupled with a good and sufficient Jail.

To the supplementary questions, we beg to state that we have sacrificed debts to a large amount ow-

ing to the very great distance from the residence of the Judge, the enormous charges of the Sheriff and his Bailiff's; on a late case of our own before proceeding in his duty the Sheriff was not satisfied with the tariff rates, if such there be, but demanded fifteen to twenty pounds to arrest two debtors, partners, the only excuse, that the parties were prosecuted for a large amount and it was a great responsibility. This and many other causes compel us to state that the County generally entertain a total want of confidence in the Court as now constituted.

(Signed,) ARTHUR RITCHIE & Co.

No. 4.

Answers of Messrs. McLeod and Adams.

Flat Lands, Ristigouche,  
19th August, 1842.

To the Honorable A. W. Cochran, and P. B. Dumoulin, Esq.:

GENTLEMEN:

We have the honor to return you the following answers to the questions you submitted to us on the 29th of July last, relative to the Administration of Justice in this District.

We caused a Public Meeting of the inhabitants (as you will perceive by the printed Notice herewith appended) to be held on the 19th instant, at the Flat Lands, and the answers we forward you are in conformity with the sense of the public there assembled.

*First*—There is no acting Magistrate on the Ristigouche.

*Second*—We are not Justices of the Peace.

*Third*—Offenders here are never proceeded against, as we have neither Magistrates, Constables nor Peace Officers of any kind.

*Fourth*—We have no Militia here.

*Fifth*—We have never heard of any person to be arrested here, consequently the bail have been no forfeiture of recognizance to our knowledge.

*Sixth*—There has been no convictions here.

*Seventh*—No one here would act as special Constable, nor are there any means that we are aware of to compel any one to serve in that capacity if he should refuse.

*Eighth*—The best mode of removing those difficulties would be a sure and sufficient Judicature to enforce the Law.

*Ninth*—The Sessions have not been held at Carleton for the last three years.

*Tenth*—We cannot say.

*Eleventh*—We are upwards of 30 miles from Carleton, and cannot therefore well answer this question.

*Twelfth*—We cannot answer this question.

*Thirteenth*—We are not aware of any criminal cases.

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*Fourteenth.*—Yes. Four Magistrates from the Mission upwards are wanting on this side of the river. They ought to be resident proprietors.

*Fifteenth.*—We think there ought to be a General Session of the Peace once a year on this river, to be held at the Flat Lands, and in the winter season, say February or March.

*Sixteenth.*—The duty of the Clerk of the Peace should be performed, and provided for as is that of other Clerks of the Peace.

*Seventeenth.*—We strongly recommend an additional Court House and Gaol, and that it should be at the Flat Lands, and have no hesitation in saying that one half of the costs of the building would be defrayed by the inhabitants, holders of property on the Ristigouche river, and that it would be upheld and kept in repair in like manner by them.

*Eighteenth.*—We consider the existing provision wholly unsuited to the present state of the District, and insufficient.

*Nineteenth.*—There are matters of detail to which we do not consider ourselves competent, but the general opinion here is, that a reform in the Judicature of the District is highly necessary.

*Twentieth.*—There is a variety of facts within our knowledge, but they are too voluminous to be stated here.

*Twenty-first.*—We think a High Constable unnecessary. The best Rural Police would be the Militia, if it were put upon a proper footing. But Constables and Militia Officers, and Serjeants of Militia ought to be paid out of the public Treasury of the Province for the duties they perform.

To the Supplementary Questions:—

We can both of us say that we have sacrificed claims to a considerable amount, rather than sue, owing to the enormous expenses of prosecuting and want of confidence in the Court.

We have the honor to be,  
Gentlemen,  
Your humble servants,

(Signed,)            **NORMAN McLEOD,**  
                             **WM. ADAMS,**

#### NOTICE.

The Subscribers having received a Circular from the Law Commissioners, relative to the Administration of Justice, both Civil and Criminal, in the District of Gaspé, respectfully invite the attention of the public interested in those matters, to meet at the School House at the Flat Lands, on the 19th day of August instant, to take into consideration what answer shall be returned to said Circular.

In the meantime, the said Circular will be open for inspection at the houses of the subscribers.

(Signed,)            **NORMAN McLEOD** } Flat  
                             **WM. ADAMS,**            } Lands.

Ristigouche, August 9th, 1842.

No. 5.

*Answers of John U. Campbell, Esquire, to Supplementary Questions.*

Dalhousie, 29th July, 1842.

GENTLEMEN,

I have to acknowledge the receipt of your communication of this day and date, enclosing an interrogatory respecting the Administration of Justice in the Inferior District of Gaspé, and in reply, beg to state, that in consequence of the defect in the present system of Judicature in that District, so far as my commercial transactions interest me in that quarter, I invariably, and often with great inconvenience, content myself with keeping my claims alive, by demanding payments, in the hope that such a state of things cannot always or *even long exist.*

The conviction forces itself upon me, as I believe it must and does upon every unprejudiced mind, residing twelve months in the District, or even near it, if they dare avow it, that there is something decidedly wrong and defective in the present administration of Justice there, and that some change is *loudly called for.*

I have the honor to be,  
Gentlemen,  
Your very obedient servant,

**JOHN U. CAMPBELL.**

Messrs. the Honorable  
A. W. Cochran and  
P. B. Dumoulin,  
Commissioners of the Gaspé Enquiry.

No. 6.

*Letter from the Rev. Louis St. Malo, to the Commissioners.*  
(Translation.)

Ristigouche, 25th July, 1842.

The Honorable Messrs. Cochran, and Dumoulin—

GENTLEMEN :

My approaching departure for Montreal depriving me of the advantage of meeting you at Carleton or at Ristigouche, which the duties of your Commission will probably oblige you to visit, in common with the other parts of this District; I think it my duty, from the interest which I feel in the County of Bonaventure, where I have resided for many years, to furnish you a part, although a very small one, of the information which I think it is the object of your present investigation to obtain.

The numerous and heavy complaints which you must have heard, in your quality of Commissioner of Enquiry, are of old date; but it has been more particularly since the arrival in this County of John R. Hamilton, Esquire, M.P.P., that the vices of our Judicial system have appeared in a clearer light and have weighed more heavily on the population, through the species of *Judicial family compact*, if I may be allowed this expression, of which the said Mr. Hamilton is considered here as the author and patron. Nothing, in my humble opinion, has more disturbed our administration of justice (against which there is, so to say, but one voice in the

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County) than this monopoly with which, according to the public opinion, it has been conducted since the arrival of the said John R. Hamilton, Esquire. Several measures have already been taken to improve our system of Judicature, which its authors, doubtless, did not foresee would one day become a system of speculation and corruption. But our judicial *monopolists*, by undue means and by signatures obtained only by immoderate libations, have nullified our complaints (as I believe that I, as well as many others, have personally experienced) against those who have attempted to bring their grievances before competent authorities. The failure of the above-mentioned measures, and the persecutions which have followed them, have generally been productive of fear, and, in some instances, of a dogged silence, inspired by the dread of our little oligarchy, which can only be sustained by those who, like itself, derive profit and subsistence from the abuses in the administration of our system of Judicature. So strong is the general persuasion that favoritism is the sole code of our local Judicature, that a great number of persons prefer to suffer losses, and even considerable ones, rather than have recourse to our tribunals, in which there is not the least degree of confidence in any part of this county: a fact which contributes not a little to discourage and to disaffect the inhabitants.

You have here, gentlemen, the result of observations made during a residence of thirteen years in this County; and I can still affirm that I believe that my allegations come short of the reality, as I do not in any wise doubt that you will be convinced, at a later period, by the evidence which you will receive upon the spot. I might mention facts in support of the foregoing allegations, if the time and limits of a letter would allow it.

Be pleased to believe, also, that my intention in addressing you at present is by no means to attack any one individual, but solely the system of Judicature in this District, and those who administer it, in their public capacity, and nothing more. The reputation for honesty and impartiality which precedes you, and the desire that justice should at length be rendered to the District of Gaspé, hitherto always forgotten, have induced me to point out to you the foregoing facts: persuaded as I am that an enquiry into them constitute a part of the important Commission with which you are invested.

I have the honor to be,  
Gentlemen,  
With high consideration,  
Your most humble and  
Obedient servant,

(Signed,) LOUIS STE. MALO, Ptre.

No 7.

Answers of H. Landry and J. Meagher, Esquires.

GENTLEMEN,

The following are answers to the several questions submitted to us by you on the 28th July last.

*Answer to question first.*—We know of but two Magistrates at Carleton, qualified, and one at Maria; none at Nouvelle or Maguasha.

*Second.*—We are not Magistrates.

*Third.*—We are not aware of the manner that

offenders are brought before Justices of the Peace, &c.

*Fourth.*—Serjeants of Militia are employed as Peace Officers to execute process in criminal matters.

*Fifth.*—We believe it is customary for Magistrates to discharge persons accused, on giving bail.

*Sixth.*—We have no knowledge of what number of Convictions have been taken before the Justices in this quarter, nor the manner they have been carried into execution.

*Seventh.*—We have never heard of any difficulty in appointing Special Constables to execute process and arrests.

*Eighth.*—We know of no difficulties that have occurred or now exist in arresting and securing persons accused.

*Ninth.*—There has not been a Session of the Peace at Carleton for the last four years. The Session has always been held in a building hired for the purpose, for the Civil Courts.

*Tenth.*—From our own knowledge and good information, the reasons why the General Quarter Sessions of the Peace have not been held at Carleton according to law, is owing to the want of a sufficient number of Magistrates.

*Eleventh.*—There has to our knowledge always been a sufficient number of Jurors summoned and present to hold the Sessions.

*Twelfth.*—We are not aware of any difficulty in obtaining Bills of Indictment before Grand Jurors.

*Thirteenth.*—We have been informed that a person charged with larceny escaped prosecution about two years ago, owing to the Captain of Militia refusing or neglecting to forward him on to prison.

*Fourteenth.*—It would be most desirable to have one or two additional Justices of the Peace for Carleton, and also one at Nouvelle, one at Maguasha and one at Escuminac.

*Fifteenth.*—We would certainly recommend, and it is the general wish of the inhabitants of this place and the adjoining Parishes, that the General Quarter Sessions of the Peace for Carleton should be held in the winter instead of the summer season: as the time now fixed for the Sessions is the most difficult season for the Jurors to attend, being at that time employed at their fishing and farming, we would beg to recommend the months of February or March as the best time.

*Sixteenth.*—A person, we have no doubt, could be obtained here to act as a Clerk for such additional Session who would be well satisfied to receive as a remuneration for his services the fees usually allowed for drawing up the documents connected with the Sessions.

*Seventeenth.*—We beg leave to recommend that a Gaol or Lock-up House should be built at Carleton, it being about the centre of the County; and we have no doubt but the inhabitants would willingly contribute a part of the expense in building the same. We also beg leave to recommend that the building now used as a Court Hall at Carleton should be purchased by the Province, as the rent paid yearly for the said building is ten pounds per annum, besides twenty shillings per day when used for the Sessions.

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*Eighteenth.*—We do not consider the existing provision by law for the administration of Justice for civil or criminal matters sufficient.

*Nineteenth.*—It is our opinion, and from information we believe it to be the general wish of the District to have a Court of unlimited jurisdiction for the District, in civil and criminal matters; and also a Court of limited jurisdiction in sums under ten pounds currency, and that the Judges or Commissioners of said Court be allowed a small salary.—The said Court to be held once a month, with power to issue writs of Capias or Attachment against persons leaving the Province, for sums under ten pounds currency. We would also recommend that a Court of Oyer and Terminer for the trial of persons accused in criminal matters, to be composed of Magistrates with the residing Provincial Judge to preside, would be a great benefit to this County.

Persons in this County have suffered great losses, owing to the manner and form of taking in execution, advertising and selling real property situate in the County, by judgments in the Courts in Quebec. We humbly recommend that all property taken in execution should be advertised in the Parish in which such property is situate, at least two months before such sale; and that the sale of such property should take place in the parish where such property may lie.

*Twentieth.*—We would think it advisable that one or more High Constables should be appointed for this County, but do not think a Rural Police would be necessary.

—  
*Answer to the Supplementary Question.*

We have learnt from individuals in this County that sooner than institute actions in the Provincial Court under the present system of Judicature, they have sacrificed their claims.

(Signed) HIPPOLITE LANDRY.  
JOHN MEAGHER.

—  
No. 8.

*Answers of Joseph Meagher, Esq.*

Township of Maria, 18th August, 1842.

GENTLEMEN,

I have the honor to submit, for your information, answers to the several questions addressed to me on the 28th July last.

*Answer to question first.*—There is but one Magistrate at Maria, two at Carleton, all of whom have qualified and act as Magistrates. No Magistrates at Nouvelle or Maguasha. There were others appointed, but have refused to qualify.

*Second.*—I am myself a Magistrate and have acted as such in fifty-one cases, chiefly assaults and trespass cases. One case on a charge for murder; the criminal was sent to the Gaol at New Carlisle, upon my warrant of *mittimus*.

*Third.*—Offenders are brought before me by warrant to apprehend, either by Constables or Sergeants of Militia.

*Fourth.*—Sergeants of Militia and Constables are the only persons employed by Magistrates in criminal matters, and have charge of offenders and convey them to prison.

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*Fifth.*—I have discharged accused persons, on giving bail, in cases of assault; but owing to the want of Sessions and a Public Prosecutor, the bonds are cancelled.

*Sixth.*—There has been twenty-six convictions taken place before me within the last three years, principally road work and trespass cases. The parties convicted have at all times paid without difficulty.

*Seventh.*—There has always been a sufficient number of Constables and Sergeants of Militia to execute process, and convey accused parties to prison.

*Eighth.*—I know of no difficulties in arresting and securing persons accused in this Township.

*Ninth.*—The General Quarter Sessions of the Peace has not been held at Carleton for the last four years, and when held, is in a hired building used for the sittings of the Provincial Court.

*Tenth.*—The reasons why the Sessions have not been held at Carleton, according to law, is owing to the want of a sufficient number of Magistrates at or near Carleton.

*Eleventh.*—There has, at all times, been a sufficient number of Jurymen summoned and present for the Sessions.

*Twelfth.*—I know of no difficulties in obtaining Bills of Indictment before Grand Jurors.

*Thirteenth.*—I know of but one instance, during the last three years, wherein an offender, for larceny, escaped prosecution, and that was owing to the Captain of Militia refusing to forward him.

*Fourteenth.*—I think it desirable that there should be one additional Justice of the Peace for Carleton, one for Nouvelle, and one for Maguasha.

*Fifteenth.*—I think it desirable that the General Quarter Sessions of the Peace for Carleton should be held in the first week of March, instead of the month of July; the time at present fixed for the Sessions is the most difficult season of the year for the Jurymen to attend, they being chiefly composed of fishermen and farmers, and are busily engaged at that time.

*Sixteenth.*—There would be no difficulty in getting a person to act as Clerk of the Peace for the additional Sessions, and who would be willing to take, as remuneration, the usual fees allowed at Sessions elsewhere for drawing up the different documents connected therewith.

*Seventeenth.*—I do not think it necessary that the number of Gaols or Court Halls should be increased in the County of Bonaventure, although a Lock-up House would be necessary at Carleton, that place being about the centre of the County, say fifty-one miles from New Carlisle and fifty from Ristigouche. And the building at Carleton hired for the sittings of the Provincial Court, at ten pounds per annum, and for the Sessions, at six pounds per annum; I would consider it advisable, and strongly recommend the purchase of the building, which could be effected for about eighty or ninety pounds.

*Eighteenth.*—I do not consider the existing provisions by law for the Administration of Justice for Civil or Criminal matters sufficient.

*Nineteenth.*—One Judge is not sufficient for the District. I beg to answer this question and its

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heads generally:—1st. It would be desirable to have a Court of unlimited jurisdiction for the District in Civil and Criminal matters. 2dly. A Court similar to the Commissioners' Court would be required, with a limited jurisdiction to ten pounds currency. The Commissioners or Judges of which to be allowed a small salary. The Terms of holding said Court, one time per month; and that the Commissioners or Judges of said Court may have power to issue Writs of Capias or Attachment (against persons leaving the Province) within the limits of their jurisdiction. The Circuit Courts to be holden at the same places and times as at present appointed. A Court of Oyer and Terminer, to be composed of Magistrates, with the Provincial Judge to preside, for trial of persons accused in criminal matters, is required.

The manner and form of taking in execution, advertizing, and selling real property, has been a great abuse. We beg to recommend that all property so taken be advertized in the Parish or Township wherein such property lies, at least one month before the sale, and that the sale do take place within such Parish or Township.

*Answer to Supplementary Question.*

I am aware that a number of inhabitants of this District have no confidence in the present system of Judicature, but it is not within my knowledge that any individuals have sacrificed debts or claims in consequence of that want of confidence.

(Signed.) JOSEPH MEAGHER, J.P.

No. 9.

*Answers of J. Cruger, Esquire.*To the Hon. A. W. Cochran, and P. B. Dumoulin,  
Esq., Queen's Commissioners, &c., &c.

GENTLEMEN,

I have the honor of transmitting to you my reply to your queries respecting certain matters connected with the administration of justice in the Inferior District of Gaspé, &c. &c.

*First.*—There has been two Commissioners of the Peace for the Township of New Richmond, and only one qualified and do act as magistrate.

*Second.*—I am the acting magistrate myself and have been called to act in that capacity during the last three years sixteen different times, and the nature of the causes at four different times for assault and assault and battery, and the other different times I have been called upon to act, were concerning trifling disputes of the nature of trespass and damages, &c.

*Third.*—Offenders against the law for the last three years have been arrested in virtue of a Warrant under my hand and seal granted upon the oath or deposition of the party complaining, and directed to a Constable duly appointed by the Session.

*Fourth.*—The Officers and Sergeants of Militia when necessary are employed as Peace officers to execute process in criminal matters, and to have charge of persons accused, and convey them to prison.

*Fifth.*—It is not usual with me to discharge persons accused for assault or assault and battery on giving security or bail; but to take security for their appearance at the Session, to receive what the Court deem

fit to enjoin them. But cases wherein complaint was made without neither assault or battery, I discharge them on giving security to keep the Peace. But after Act 4th and 5th Victoria came in force I decided cases that within my own knowledge and information were not very grievous, but otherwise caused them to give security to appear before the Session of the Peace. And as for the recovery of bonds or securities there has been none forfeited in my time. And any further of it I cannot say.

*Sixth.*—The number of convictions that have taken place before me within the last three years are nine, and have been enforced pursuant to Act the 6th, William the Fourth, chapter 56.

*Seventh.*—It has not been necessary to appoint special Constables within my District, and if it had, I am not aware of any difficulty in doing so.

*Eighth.*—I am not aware of any difficulty in arresting persons accused.

*Fourteenth.*—It would be my request that a Captain, or Lieutenant of Militia would be commissioned for this Township.

*Eighteenth.*—It is my opinion that the existing provision of the law for the administration of justice in the Inferior District of Gaspé in civil matters, and for bringing to justice the higher class of criminal offences committed within this District, is defective or insufficient.

*Nineteenth.*—My reason is the enormity of expenses and delays incurred in the Courts of civil jurisdiction in high cases proves very disadvantageous and ruinous to persons who are obliged to have recourse thereto. With respect to the Court of criminal jurisdiction, it is well known that persons accused of crimes not cognizable before the bar of the Court of General Sessions of the Peace whether guilty or not guilty have been severely punished by long imprisonment before they could be brought to justice. And therefore I shall suggest the following remedies:—1st. That the constitution of the Court should be governed by two Judges at least.—2ndly. That the power of bringing to justice the higher class of criminal offences should be vested in the said Judges.—3dly. That to free the inhabitants of the difficulty and enormity of expenses incurred in the Provincial Court, it would be of great advantage to revive Act the 6th, William the Fourth, intituled, "An Act to create Commissioners' Courts for the Summary trial of small causes."

(Signed.) JOHN CRUGER, J. P.

Black Cape,  
29th July, 1842.

No. 10.

*Answer of Patrick Wallace and John Jamieson.*To the Hon. A. W. Cochran, and P. B. Dumoulin,  
Esqr. Queen's Commissioners, &c. &c.

GENTLEMEN,

We have the honor of transmitting to you our reply to such parts of your queries as are relative to matters connected with the administration of justice in the Inferior District of Gaspé, as lie within our knowledge.

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*First.*—Within the Township of New Richmond there has been two Commissioners of the Peace, and only one qualified and acts as a Magistrate.

*Fourth.*—The Officers and Serjeants of Militia were formerly employed as Peace Officers in this settlement, but now we have no such establishment; and therefore that duty is performed by Constables duly appointed by the Session.

*Twelfth.*—Have been several times on the Grand Jury of this County, and never saw nor found any difficulty in passing Bills of Indictment upon reasonable proof of the accusation.

*Thirteenth.*—It is our opinion that the existing provision of the law for the administration of justice in the Inferior District of Gaspé in civil matters, and for bringing to justice the higher class of criminal offenders is defective or insufficient.

*Nineteenth.*—1st. That the rules and practice of the law in civil matters should be provided for in such manner as the Legislature, in its wisdom, may deem fit, to avoid the enormity of expenses and endless delays incurred in the recovery of debts.—2nd. That Act the 6th, William the Fourth, intituled, "An Act to create Commissioners' Courts in the Province of Lower Canada, for the summary trial of small causes," if revived, and an easier mode than that provided by the said Act be devised to obtain the required Commission for this remote part of the Province, would be of the highest advantage to the inhabitants of this County, as it would afford an easy and satisfactory mode for the recovery of wages and small debts.—3rd. That the administration of justice in high cases in the Superior term of civil jurisdiction is too high a function for one individual to perform. Therefore the constitution of the said Court should be governed by two or more Judges for the due despatch of business and order in the said Court.—4th. That power should be invested in the said Judges to bring to justice the higher class of criminal offences committed in this District which are not cognizable before the General Sessions of the Peace, and which would remedy that inhuman abuse now existing in this District of severely punishing persons accused, by long imprisonment, whether guilty or not guilty, before they could be brought to justice.

We beg to observe that the Commissioners' Court above mentioned would be more satisfactory to the inhabitants of this County than any now established by law for the summary trial of small causes, as they could have their own choice of men who would be truly acquainted with the nature of their domestic matters.

(Signed.) PATRICK WALLACE.  
JOHN JAMIESON.

Black Cape,  
30th July, 1842.

No. 11.

Answers of S. Martel, Esquire.

Percé, 1st. August, 1842.

(Translation)

GENTLEMEN,

I have the honor to acknowledge the receipt of your communication dated New Carlisle, the twenty third day of July last, informing me that it has

pleased His Excellency the Governor General to issue a Commission appointing you Commissioners to enquire into certain matters connected with the administration of justice in the District of Gaspé, and transmitting to me certain questions on which you request me to give you as ample information as it may be in my power to do, arranging my answers in the order of the questions and signing them. In reply to your communication I have the honor to submit to you the following.

Before entering upon the subject, I must observe that this mode of investigation by written questions will perhaps be without effect, in as much as a certain Gentleman notoriously identified with the innumerable abuses existing in the administration of justice in this District, makes it his business to see the several persons to whom you have probably addressed these questions so as to prepare their answers which will be transmitted to you as the free and independent opinions of such persons, hoping by these means to have a majority whose views on the different subjects of your investigation are in unison with his own.

*First.*—There are four Justices of the Peace residing at or near New Carlisle, of whom three have qualified; but two only act as such, the third having resigned.

*Second.*—I am not a Justice of the Peace.

*Third.*—The persons accused are proceeded against first by depositions before a Justice of the Peace, before whom they are then brought by the Constables.

*Fourth.*—I am not aware that Officers and Serjeants of Militia have ever been employed as peace officers to execute any warrants in criminal matters, or to take charge of persons accused and conduct them to prison.

*Fifth.*—It is invariably the practice of the Justices of the Peace to release persons accused on their giving security to keep the peace or for their appearance at the General Sessions of the Peace then next ensuing; the effect of this mode of proceeding has been that in some instances the persons accused have escaped prosecution;—no steps have ever been taken to sue for or to recover the amounts of the forfeited recognizances.

*Sixth.*—Not being a Justice of the Peace, I cannot answer this question.

*Seventh.*—I do not know.

*Eighth.*—I would cite a case which occurred last year of a Justice of the Peace who, in place of aiding and facilitating the imprisonment of his son-in-law accused of assault and battery, placed many difficulties in the way of the imprisonment of the accused, and if I recollect right, went so far as even to threaten the Constable who had the warrant. In like circumstances, the best mode of overcoming such difficulties would decidedly be to strike the names of persons so unworthy and partial out of the Commission of the Peace.

*Ninth.*—The general Sessions of the peace at New Carlisle are held in the Court House. I could not say how many times they have been held during the last three years.

*Tenth.*—When the Sessions of the Peace are not held, it is always for want of a quorum, which want of a quorum may be attributed, in some in-



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stances. to the information which the Justices of the Peace may have that no case will be brought before them.

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*Twelfth.*—Not to my knowledge.

*Thirteenth.*—There have been, during the three or four last years, in the County of Bonaventure, two or three cases of rape, one case of sodomy, and one case of bestiality. In one of these cases the accused was imprisoned and some time afterwards released. They all escaped prosecution. There have been, also, during the same period, nocturnal offences against Police laws and regulations, as, vehicles taken away from their proprietors and found broken, bridges broken and greatly damaged, fields and gardens thrown open and cattle driven into them, fences and gates thrown down, exposing whole fields to be ruined, &c. The guilty parties have always eluded prosecution and, consequently, conviction. It appears, and I have even heard it openly said, that the inhabitants do not dare to complain of these minor offences, through fear of being afterwards mal-treated by the guilty parties. I believe that the appointment of a gentleman, belonging to the profession of the law, as Chairman of the Quarter Sessions, who might be, at the same time, Commissioner of the Court of the Magdalen Islands, the appointment of a High Constable in each County and the establishment of an effective Police, would do away with these different subjects of complaint, if not altogether, at least in a great measure.

*Fourteenth.*—There are already two Justices of the Peace, acting as such, near New Carlisle; if two others were appointed in New Carlisle and two for Bonaventure, I should think that this number of Justices of the Peace would be quite sufficient for this part of the country.

*Fifteenth.*—I do not think it necessary that the General Sessions of the Peace should be held at other times or in other places than the times and places mentioned in the table hereto annexed; because, to my knowledge, that within six years the Sessions have been held at Carleton only once or twice, and at Douglasstown, in the same period, only twice, that is to say, in 1840, when a Session was held with the evident intention of obtaining from a Grand Jury entirely under the influence of a Foreman friendly to the Provincial Court, a presentment in favor of the Judge of the said Court, who had just been, or was immediately about to be, accused before the Executive Government, and in 1841, but on this occasion the Grand Jury, wishing to contradict by its presentment some false assertions made publicly by a most intimate friend of the Judge: one of the Justices of the Peace, who apparently knew what was passing, disappeared, and by this means rendered the Court incompetent, and no Justice of the Peace was present when the Grand Jury returned from the room to which they had withdrawn.

*Sixteenth.*—As I do not recommend additional Sessions, there is no need for my answering this question.

*Seventeenth.*—I consider it necessary that an addition, sufficient to lodge the gaoler and his family, should be made to the Gaol of New Carlisle, and that the apartments which he occupies at present should be converted to the use of the prisoners for debt, that a Court House should be erected at Carleton, and also a Dock-up-House. As to the expense of erecting these new buildings and supporting them afterwards, it would be a great error to suppose that the District would

be able to support them by means of taxes or otherwise, for many years to come, and if the Government should not determine to erect them out of the £50,000 appropriated for the purpose of erecting such buildings in the different Districts of this Province, or out of other sums appropriated for this purpose, it would be necessary, without the least doubt, to renounce the idea of effecting these improvements in the District. To render more ample justice to the inhabitants of the County of Bonaventure, I would recommend that the Judge should reside at New Richmond, that the Superior Court should be held there, and that a Court House and a Gaol should be built there, this place being nearly the centre of the County, and that the Circuit Courts should be held in the neighbourhood of Cross Point, and at New Carlisle; but as this arrangement would necessitate considerable expense, the Legislature would probably not be prepared to adopt it.

*Eighteenth.*—Considering the rapid increase of the population of this District, the augmentation in value of immoveable property, the large amount of capital invested in the fisheries, and the traffic in timber, the entire forgetfulness of this District, for a number of years, by the Legislature of this Province, evinced by their not bestowing upon the inhabitants a share of the benefits which Legislative enactments were dispensing in other Districts, leaving them to themselves, without any means of instruction, and abandoning them to the licentious inclinations of a relaxed morality, it is my decided opinion that the existing laws in this District for the administration of Justice, both civil and criminal, are altogether insufficient. I take, therefore, the liberty of making the following suggestions, and of submitting a system which would meet the universal approbation of the inhabitants of this portion of the Province, because it would carry with it a guarantee that for the future civil and criminal Justice would be dispensed with ability, judgment, and impartiality.

*Nineteenth.*—A Superior Court composed of two resident Judges, one at New Carlisle in the County of Bonaventure, the other at Percé, in the County of Gaspé, assisted by a third Judge coming from the Court of King's Bench of the District of Quebec during the vacation from June to October—the Court to sit once a year at Percé in the month of July, and at New Carlisle in the month of August, and to have jurisdiction in all causes personal, real and mixed, in which the demand or the matter in dispute shall exceed the sum of twenty pounds currency, up to an unlimited amount. There should be an appeal from this Court in cases originally brought before it to the Court of King's Bench of the District of Quebec, which should hear and determine the cause finally; the Appellant notifying one of the resident Judges during the month next after the day on which judgment may have been rendered, and giving security for an amount which if the Defendant be the party appealing, the amount of the judgment and the probable costs in the Court below, and those of the Appeal, and if the Plaintiff be the Appellant for an amount which shall cover the probable costs in the said two Courts. These three Judges would constitute and form a Criminal Court, which shall sit in the two Counties immediately after the Terms of the Civil Courts, and should take cognizance of, and have jurisdiction over all crimes and criminal offences which shall be committed within the limits of the Inferior District of Gaspé, and which are not within the cognizance of the General Sessions of the peace. Inferior Courts should be held by the resident Judges in their respective Counties twice a year—that is to say, in the County of Bonaventure in the months of September and February, and in the County of Gaspé in the months of July and January. These Inferior Courts should have jurisdic-

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tion in all real, personal, and mixed causes, in which the demand or matter in dispute should be £20, currency, or under, with power to the parties in real and mixed actions to evoke the cause into the Superior Court in cases where such evocation is allowed by law. An appeal should lie from these Inferior Courts to the Superior Court, which should finally determine all causes in which the demand or the matter in dispute should exceed ten pounds currency; the Appellant notifying the Judge who should have given the judgment of his intention to appeal, and this within the fifteen days immediately following the day on which the judgment should have been pronounced, and giving security in the manner above-mentioned. There should be but two Judges in the Court before which these appeals shall be brought, the Judge who shall have heard and decided the case not being competent to sit. Should there be a difference of opinion, the opinion of the Judge wishing to confirm the judgment of the Inferior Court should prevail, and judgment should be rendered accordingly.

*Twentieth.*—It is absurd, inasmuch as it gives a jurisdiction much too important to a single individual, without other remedy than that of appealing from his decisions to a Court nearly five hundred miles distant from the residence of the Provincial Judge, a remedy which, however expensive it might be, would be nevertheless sufficient, if the formalities necessary to obtain it were so themselves. I mean if the delay granted for the notification of appeal was now extended, it being at present so short that on many occasions it is equivalent to a denial of justice, of which the Provincial Judge is not ignorant; not that I wish to insinuate that he may have been led to pronounce partial decisions, by knowing the impossibility of an appeal being made by the parties failing, either from their inability to bear the enormous expense of the appeal, or from the too short space of time allowed for the notification. The limits within which you have confined your investigation do not permit me to make such insinuations, nor to allege any thing whatsoever to the prejudice of this high functionary.

It is defective, inasmuch as it does not provide for the exercise of the rights and claims of individuals against the relations of the Judge in the District, who as long as they reside there are sheltered by the legal exception they have in all civil suits before any tribunal, for sums not exceeding the jurisdiction of the Provincial Court. Also, inasmuch as it does not oblige the Judge to reside near the Court where the records are deposited, so as to expedite with promptitude those matters which require dispatch;—inasmuch as the Judge is also sheltered from all claims which might be brought against him, so long as he remains within the limits of his jurisdiction, which he is free to do or not to do, according as his interest may dictate;—inasmuch as it obliges creditors of debt, above £100 to sue before Courts out of the District, to recover what is due to them, which suits must be accompanied by inevitable delays, ruinous for the losing parties;—inasmuch as the rights and privileges of the Crown are altogether neglected, there being in the District no officer duly authorized and charged by law to watch over them.

*Writs of Capias or Attachment.*—All the Judges should have power to authorize the issuing of writs of *capias* or of seizure in their respective counties in all cases, and the Clerks of all Civil Courts, to the amount of the jurisdiction of their respective Courts, without there being any necessity for the *fat* of a Judge. It would be desirable that the Commissioners named by the Judges to take affidavits under any law passed for that purpose should

have the power of taking and swearing all affidavits required by the law prior to the issuing of Writs of *Capias* or of seizure.

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*Tariff.*—To be certain that the Tariff of the Provincial Court exceeds, by a very little, that of Quebec, it needs only to compare them both, when it will at once be evident that the fees of the Sheriffs and Prothonotaries are the same as those allowed to the Sheriffs and Prothonotaries of the District of Quebec. The difference that I am aware of as to the Advocates is, that there is allowed them in that Court a fee of sixteen shillings and eight pence on each rule *nisi*; a fee of six shillings and eight pence for attending at the taxation of a bill of costs; while here the Tariff consists of only two classes, that is to say, the first from twenty to one hundred pounds, which corresponds to the second class of the Quebec Tariff; and the second from ten to twenty pounds, which corresponds to the fourth class of that of Quebec: so that considering the rather heavy expense of going the Circuit in this District, the Advocates here are not paid and remunerated at a higher rate than those of the District of Quebec, who are not subjected to these expenses. The complaints that have been preferred against the enormous amount of many of the bills of costs do not, therefore, arise from this cause, but from an injudicious taxation of witnesses—a taxation never made on fixed principles, sometimes allowing more, sometimes allowing less, according as the Advocate conducting the cause demands more or less; and also from the practice, (not only shameful but ruinous, of sending Bailiffs (who are always entitled to a charge of three shillings per league for mileage) from one extremity to the other of this vast District, while, if the Provincial Judge had taken the trouble to appoint Bailiffs in the principal settlements along the coast, and forbidden the Bailiffs to charge mileage, except from the residence of the Bailiff nearest to the person on whom the service was to be made, as is the practice in the District of Quebec, and which I have taken the liberty of suggesting to him on two different occasions, this abuse would have been removed. My suggestion was an innovation, and one that would have dried up the source of a very handsome revenue which flowed into the pocket of a favorite, and therefore no attention was paid to it.

*Delegation of Duties.*—I know only the Judge and the Sheriff who can delegate any part of their duties. This right is to the latter a source of considerable gain, inasmuch as he receives, they say, heavy sums of money from the Government for serving subpoenas on Jurors, and gets his work done by Bailiffs at extremely low prices.

*Rules of Practice.*—The existence, for more than a quarter of a century of the Rules of Practice of the District of Quebec, (which are those used in this District, although they have never been homologated by the Provincial Judge, and have been but little respected by him on several occasions,) has, I suppose, caused us to forget the clamours which accompanied their introduction, as obligatory Rules in the Courts of Law, because they were with reason considered as almost entirely superceding the enactments of the Ordinance of 1667, which was at that time by Royal promise the law of the land. Laying aside, however, discussions of this nature, it was evident on becoming acquainted with the system which I have had the honor to submit, that these Rules of Practice as existing at present, from the delays which they produce, could not easily be reconciled with the short duration of the proposed Terms of the Court.

*Sale of Real Estate.*—Real property which should be taken in execution under any judgments of any

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Court established in this District should be taken, and the sale should be announced in the ordinary manner; and the sale should take place at the most public spot in the neighborhood of the said property.

*Twenty-first.*—I have already answered this question by my preceding answers.

In conclusion, I take the liberty of remarking, that if other arrangements of terms were adopted in such manner that the Inferior Courts should be held at the same same time in the two Counties, and that the Advocate residing and practising in one County should not be able to attend the Courts in the other, being obliged to attend at the Courts of the County in which they were resident, the inhabitants would have room for complaint, inasmuch as the small number of Terms in a County not being an

encouragement to Advocates of another District to come and establish themselves therein, they would never have the advantage and assistance of Counsel to defend them, To obviate these difficulties, it is therefore necessary that the Term should be so arranged that the Advocates, without injury to the interests of their clients in their own County, might be enabled to attend the Courts in the other.

I have the honor to be,  
Gentlemen,  
With respect and consideration,  
Your most obedient servant,

(Signed),

Et: MARTEL,  
Advocate.

The Hon. A. W. Cochran, and  
P. B. Dumoulin, Esquire.

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Table referred to in the 15th Answer.

<i>Percé.</i> Sessions.....1 to 5	<i>New Carlisle.</i> Inf'r. Court....1 to 6	<i>Percé.</i> Sessions.....24 to 28	<i>Gaspé.</i> Inf'r. Court....1 to 6	<i>New Carlisle.</i> Aug. Sup'r. Court.10 to 20 Gnm'l Court.21 to 25	<i>New Carlisle.</i> Sept Inf'r. Court....1 to 6
<i>Gaspé.</i> Inf'r. Court.10 to 15	<i>Carleton.</i> Inf'r. Court.10 to 15		<i>Percé.</i> Inf'r Court...10 to 16 Sup'r Court...16 to 25 Crim'l. Court.26 to 30		<i>Carleton.</i> Inf'r. Court.10 to 15
<i>Percé.</i> Inf'r. Court.19 to 24	<i>New Carlisle.</i> Sessions.....20 to 24				<i>New Carlisle.</i> Sessions.....21 to 25

All days inclusive, Sundays and Holidays excepted.

(No. 12.)

Answers of William McDonald, Esquire.

New Carlisle, 8th August, 1842.

GENTLEMEN,

I have the honor to acknowledge your communication of the 26th ult., transmitting certain questions relative to the Administration of Justice in the District of Gaspé, to which you request as particular and full information as it is my power to give. I therefore beg to give the following as my answers to the queries.

I have the honor to be,  
Your most obedient servant,

(Signed,) WM. MACDONALD.

To the Honorable A. W. Cochran, Q. C. and P. B. Dumoulin, Esquire, Q. C., Quebec.

*First.*—Four Justices of the Peace reside in and near New Carlisle, two of whom only at present act as Magistrates.

*Second.*—I am a Justice of the Peace, and, in that capacity, have during the last three years been called upon in *twelve* cases,—nine for assault and battery and breach of the Peace, two for leaving the service of their masters, and one of trespass.

*Third.*—Offenders against the laws are proceeded against, in the first place, by Warrant, and a sufficient number of Constables are appointed or sworn to execute the service required by a Justice of the Peace.

*Fourth.*—Serjeants and Officers of Militia are now seldom applied to. I know but of Blanchet's case only. In a case of recent occurrence a Constable had charge of the offender from Carleton to New Carlisle.

*Fifth.*—It is usual to discharge persons accused on giving bail or security to keep the peace. Cases

have happened where parties do not appear, and no steps have been taken to prosecute sureties, from the want of a proper officer being appointed for the District.

*Sixth.*—Convictions under the Agriculture and Road Acts have occurred frequently. But I am not aware of any convictions which required to be enforced by warrant of distress or otherwise.

*Seventh.*—Yes.

*Eighth.*—Difficulties occurred in 1838, at Port Daniel, where the Magistracy found it necessary to apply to the Government for a small detachment of troops. The case was an extraordinary one, and nothing has since transpired to render the same applications or that of the establishment of a Police necessary.

*Ninth.*—Five out of six Sessions of the Peace have been held at New Carlisle during the last three years.

*Tenth.*—An attempt by *Attorney* who desired to gratify his personal feelings was, I think disappointed by the non attendance of one of the Magistrates, usually in attendance. The case was an election squabble the 18th May, '41. The Chairman in July term following proposing, I believe, that there should be no Sessions on that account.

*Eleventh.*—There has usually been a sufficient number of persons summoned (in some cases too many) and in attendance at such Sessions when holden, sickness or absence from home has been the cause of non attendance.

*Twelfth.*—None.

*Thirteenth.*—I am not aware of any instance where offenders against the laws in or near New Carlisle have, during the last three years escaped prosecution or conviction, either at one or other of the Sessions of the Peace, when the prosecution appeared.

*Fourteenth.*—It is desirable that the number of Justices of the Peace should be increased, the duty

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of a Magistrate falls onerously on a few, from the greater number of Justices not qualifying.

*Fifteenth.*—I am of opinion that the time for holding the Sessions at New Carlisle should be tenth to fifteenth August, and the same dates in February. The reason is, that in July the inhabitants are called from their Fisheries at the best time of the catching—and that on the 10th August the summer fishing is over, when a week elapses before hay making.

*Sixteenth.*—I consider the places for holding the Sessions quite sufficient.

*Seventeenth.*—I do not consider that the number of places for Gaols and Court Halls should be increased. At New Carlisle, apartments for debtors only are required. At Carleton, the present Court Hall should be purchased by Government.

*Eighteenth.*—It is my opinion that the existing provisions by law for the administration of Justice in the Inferior District of Gaspé taking into consideration the state of the District, is insufficient in every respect. The defects in the system of Judicature and administration thereof—are objectionable, and the abuses practised under both, form the grounds of complaint by the inhabitants of the District who consider that they have not the same advantages with respect to the Administration of Justice as other Districts of the Province. Under several heads given, I shall state the grounds and remedies required.

The constitution of the Provincial Court by one Judge only as at present constituted is objectionable, because the jurisdiction given, if there was no other objection, is too extensive to be entrusted to any one individual without some check at hand against abuses.

It is insufficient because the progress and state of the District requires that a superior jurisdiction be established within the District, in order to recover debts and determine individual rights without having recourse to the Courts at Quebec, which are too remote and difficult of access to afford redress, and the period for appeal to it too short.

The Courts required therefore are:—A *King's Bench*, an *Inferior Court* and *Courts of Criminal* jurisdiction, all established within the District of Gaspé.

The *King's Bench* composed of three Judges, one residing at New Carlisle, the other at Percé, and a Judge coming from the *King's Bench*, Quebec, to preside in each Court twice a year, and having jurisdiction over criminal as well as civil matters.

An *Inferior Court* composed of the two resident Judges sitting also twice a year in each County.

*Quarter Sessions*, as usual, except the time.

The distribution and jurisdiction of the *King's Bench* to be from *Twenty pounds* and upwards, and the *Inferior Court* under *Twenty pounds*, and the right of appeal from the *King's Bench* to the Court of Appeals in Quebec, on giving notice within thirty days after judgment.

Judges and Prothonotaries to issue writs of *Capias* or *Attachment*. The Judges to reside in the Town of New Carlisle and Percé respectively.

The *Tariff* or scale of fees should be reduced, and the mileage ought not to exceed one shilling and six pence a league, for it is notorious that an Attorney has been known to employ a Bailiff to serve a number of summonses, paying him mileage upon one and

charging himself mileage upon each. To prevent this abuse I would either reduce the fees, or require that the Sheriff should appoint Deputies in every Township, who should be paid for service and return only.

The summoning of Jurors cannot but form a large item of expenditure. Deputies I am informed have done the duty for twenty five pounds a year.

The *King's Bench* should make its own Rules of Practice and for the Inferior Court. At present those of Quebec are said to be in practice here, but it is the general impression that if they are, they are often violated.

The manner and form of taking in execution, advertizing and selling real property under judgments rendered at Quebec, is justly complained of. Innumerable instances have occurred wherein parties have suffered great loss from the whole stage of proceedings being had at Quebec, without their knowledge or information. Crown Lands are even often sold (without the Agent's knowledge) by the Sheriff at Quebec: witness, three hundred acres of the best lands of the Crown, on *Nouvel River*, included in a description of Barte's lands there, were sold for *forty-five shillings*. Real property should be taken in execution and advertized as usual, but to be sold and also advertized in the District, at the most public place near which the property lies.

*Twentieth.*—I have stated already the insufficiency of the existing system of Judicature for the recovery of debts. The rights of the Crown cannot be maintained without a *King's Bench*, and proper officers, within the District; nor can the trial and punishment of offences not cognizable in Sessions of the Peace take place without the establishment of such or other tribunal. The case of *Blanchet* called for an immediate appointment, but no Court of Oyer and Terminer and Gaol delivery has been held since 1840.

*Twenty-first.*—The appointment of a High Constable, or establishment of a local Rural Police in each County is uncalled for, and I am of opinion that the expense of either, if determined upon by Government, would not be met even in part, by the County, at least for a period to come; and I cannot see why it should, since the state of the District does not require the appointment or establishment at all.

*Supplementary Question.*—I have repeatedly heard persons of respectability say that they preferred sacrificing their debts or claims, and would not endeavour to recover them by law, in consequence of the defects in the system of judicature, and want of confidence in the administration thereof in this District.

(Signed) Wm. MACDONALD, J. P.

No 13.

Answers of John Hurdeley, Esq.

Paspébiac, 18th August, 1842.

GENTLEMEN,

I have the honor to acknowledge receipt of your letter dated 2nd instant, at New Carlisle, annexing a series of questions connected with the Adminis-

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tration of Justice in this District, which, without further comment, I proceed to answer in the order they are given, to the utmost of my knowledge.

And have the honor to remain,  
Gentlemen,  
Your most obedient servant,  
(Signed,) JOHN HARDELEY.

The Honble. A. W. Cochran and P. B. Dumoulin,  
Commissioners.

*To the first.*—Four are mentioned in the Commission within three miles, but only two of them act.

*To the second.*—I am not.

*Third.*—Generally by affidavit and warrant, sometimes by summons; the Constables are the executing Officers.

*Fourth.*—Not to my knowledge.

*Fifth.*—I know not.

*Sixth.*—I know not.

*Seventh.*—I cannot say.

*Eighth.*—I am not aware of any difficulties, but if any exist, the appointment of one or two Chief Constables would obviate them.

*Ninth.*—I believe regularly twice a-year in the Court Hall.

*Tenth.*—If any irregularity exists it must arise from a want of Justices of the Peace, some of whom reside at a distance. The appointment of a Stipendiary Magistrate, or Chairman of Sessions, would partly obviate any irregularity arising from this cause, and would, in my opinion make the administration of justice more sure and speedy. As a Stipendiary Magistrate would make it his business to look after offenders, which has been heretofore left to the unaided efforts of the parties aggrieved, who have lost much time and money in endeavouring to punish offenders, and has given their prosecution the appearance of private revenge.

*Eleventh.*—A sufficient number of Jurors I believe have always attended.

*Twelfth.*—Difficulties have arisen as to indictments from the want of a Crown Law Officer—as parties have to pay their own Counsel; as to convictions before petty Juries, difficulties arise from there being no public prosecutor, and the feelings of the Jury being enlisted between the accuser and the accused, generally running strong in favor of the latter—party spirit also is brought to bear in their verdicts—a public prosecutor would I think obviate this, as then the prosecution would be no longer a private but a public one, and the Jury would decide it on public grounds.

*Thirteenth.*—Several for the reason stated in the last answer. A person whose business it would be to trace offenders would be of great benefit in this place.

*Fourteenth.*—I think the appointment of a stipendiary Magistrate, and a chief Constable would be sufficient to keep the peace, with the assistance of such Special Constables as they would select themselves. The number of Magistrates is not sufficient, but there is a great difficulty in procuring fit and proper ones owing to the deficiency of education in the place. Militia officers make bad Peace officers in my opinion, as they are appointed for other reasons than their activity or efficiency.

*Fifteenth.*—A General Sessions might be held in New Carlisle in March and November, and in Carleton, in January and July, at each of which the Stipendiary Magistrate might preside as Chairman, thus giving four Sessions in the year to the County, making them more convenient to the inhabitants, parties to prosecutions, and lessening the expenses to Jurors.

*Sixteenth.*—I do not know in what manner the Clerk of the Peace is at present paid, but should think that payment of his travelling expenses by the Provincial Government at the additional Sessions, and his regular fees for what business is done by him would be a sufficient remuneration.

*Seventeenth.*—Though it would be a convenience to have another Gaol or Lock-up House at the western end of the County, yet the expenses incurred at present in the transmission of prisoners are a mere trifle to what the erection of a Gaol would cost. A very strong feeling exists in this County against paying for any public work, and unless a building were erected by the Provincial Government, the means of the County could not warrant the expenditure.

*Eighteenth.*—It would be, perhaps, beneficial to have a resident Judge in each County, with limited jurisdiction, and a Superior Court for the whole District, composed of both resident Judges, and the Chairman of the Quarter Sessions—this latter Court to be also a Criminal Court for capital offences, and also a Court of Appeals.

*Nineteenth.*—1st. Answered in the preceding.—2d. The jurisdiction to be as contemplated in the District Court Bill in the Resident Judge's Court—in the Superior Court the jurisdiction to be unlimited and appeal from the Superior Court to the Governor in Council.—3d. Answered in the foregoing.—4th. The Terms of the resident Judges' Court to be as follows in Port Daniel and Hope:—1st to 4th February and 1st to 4th August inclusive; in Cox and Hamilton, 6th to 10th February, and 6th to 10th August; in New Richmond and Maria, 13th to 17th February and August; Carleton and Nouvelle, 19th to 23d February and August; Mann, Ristigouche, and Matapedia, 25th to 29th February and August inclusive. Of the Superior Court to be from the 1st to the 20th March, and from the 1st to the 20th September at New Carlisle only.—5th. As at present, by the Prothonotaries of the Provincial Court, establishing one Prothonotary at Percé.—6th. Answered by the foregoing, fourth.—7th. Criminal cases to be tried as at present in Courts of Quarter Sessions, for all cases at present above the jurisdiction of the Quarter Sessions. A Court of Oyer and Terminer and General Gaol delivery to be held once a year in January.—8th. The fees at present granted by the Tariff are rather high, and the allowance made to witnesses, excessive; but by bringing the resident Judges' Courts into more localities than the present Provincial Court is held at, the law expenses would, in some measure, be reduced. It would be, perhaps, advisable that no fees should be granted to any but the nearest Bailiff, and the Court to have the power of appointing a Bailiff in each locality. Also, that no defendant should be summoned to the resident Judge's Court not included in his division, in all cases cognizable by the said Court.—9th. The officers, as far as I know, are at present efficient. It might be advisable to exercise more discrimination in the choice of Bailiffs than at present, as their conduct, more than any thing else, tends to bring the Court into contempt, and though when a wrong is inflicted, the party injured has a right to complain, that right, in most cases, is a nullity, owing to the many obstacles thrown in the way

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of the complainant by legal and technical quibbles.—10th. Rules of practice are only to be made by lawyers, who are best acquainted with the means of evasion made use of by one another to avoid bringing a suit to a termination. Any injury to a few, arising from a summary mode of proceeding, would be compensated to the many.—11th. Where executions issue against real estate in the District, the sale to take place in the District, and the advertisements to be made in the District, in printing, and notices in printing to be posted in as many public places as may be thought fit. The expenses would not exceed the present expense of advertising in the Gazette by authority, one copy only of which comes to this District.—12th. Appeals from the Resident Judges' Court to be to the Court of Appeals constituted as mentioned in my answer to the eighteenth in all cases above £10 currency.

*Twentieth.*—The existing system is very expensive to parties residing at a distance from the places of holding the Courts, arising from the fees paid to Bailiff's and witnesses, which very often make the costs in a trivial case amount to four or even five times the amount sued for. A change in the places of holding the Court as suggested in my former answers would correct in some measure this item of expense. The recovery of debts is often a dead letter owing to the whole proceeds of a man's property, after judgment goes against him, being swallowed up in fees, and though the fees taken individually are not excessive, yet in the aggregate they amount to a large sum. There has been no difficulty in the determination of the rights of individuals, except from the want of sufficient documentary evidence, and this arises first, from a proper Registry office not having been established at the first settlement of the country, and next owing to a great many original papers having been taken away by the Commissioners of Land claims and never having been returned. The original surveys of the country have also disappeared or are beyond the reach of the inhabitants of the District, and though the District as to its population is not of very great importance, yet from its great extent, its commerce, capabilities and its distance from the Seat of Government, it would be a great boon for it to have all its public documents within its own keeping. The rights of the Crown have been in abeyance for many years owing to the want of a Crown Law Officer and the neglect or incompetence of the parties appointed to look after them. The trial and punishment of offences not cognizable by the Quarter Sessions of the Peace, has been totally impossible, from there being no higher tribunal to lay offences of a grave character; in the case of Oyer and Terminer that issued a few years ago the Court was perfectly sufficient for all its duties—in a late case of a man charged with the very grave offence of deliberate murder, the prisoner was transmitted to Quebec at a heavy expense, owing to distance no witnesses appeared against him at the proper time; if they had, the expense would have been enormous. The prisoner was admitted to bail, and is now at liberty to commit the same offence again if he chooses if a commission had issued in this case, it would have tended to increase the security of life in a great degree, and would not have caused much expense.

*Twenty-first.*—Two High Constables should be established in each County, one at each extremity, but still for the whole County, but any expectation of raising funds to pay them by means of the Municipal Council, would be futile.

The appointment of a Stipendiary Magistrate and four High Constables with a moderate salary would, I think be all the expense incurred, and that should be paid out of the Provincial Government funds.

This expense would be very trifling compared with the benefits to be derived from it. There being no officer appointed to look after Tavern Licences, there is not one at present in this County, though there are at least forty taverns, if it were the duty of the above mentioned officers to look after unlicensed houses and see that they comply with the law, a fund nearly sufficient to pay them might be raised within the County.

*To the Supplementary Question.*

I know of none, owing to a want of confidence in the present system of Judicature, but a great many are deterred from going to law for the causes mentioned above, viz. the expense. I have pointed out how this might be reduced in my former answers. It has always been a question whether cheap or dear law is the cheapest eventually, but as great exertions have been made by interested individuals to cause doubt and discontent in the minds of the people at large (whether suitors or not) as to the present administration of justice, I think it would be advisable to have an alteration made and to give the people cheap law, but I doubt if this would prevent their complaining. I have been a suitor in many causes to a large amount and have both gained and lost causes, but have every reason to be satisfied with the purity of the administration of justice, and I again repeat that having extensive acquaintance with the country I know of no cases not having been brought forward from a want of confidence in the present system, but many form a fear of the expenses attending it.

The answers of me,

(Signed)

JOHN HARDELEY,  
Agent to Charles Robin, & Co.

No. 14.

*Answers of David Le Boutillier, Esq.*

Paspebiac, 13th August, 1842.

GENTLEMEN,

I have the honor of acknowledging receipt of your List of Questions, dated New Carlisle, 26th July, to which I make the following answers.

Your most obt. h'ble. servt.

(Signed)

DAVID LE BOUTILLIER.

Hon. A. W. Cochran, Q. C., P. B. Dumoulin, Esq.  
Q. C.

*First.*—There are two Justices of the Peace acting in Cox Township.

*Second.*—No.

*Fourth.*—I have been resident here for fifteen years, and I am not aware that they have been called upon in this Township,—Constables do the duty.

*Fifth.*—Justices of the Peace do discharge persons accused, on giving bail and security, and in cases when the party does not appear, no steps are taken for the recovery of such securities. And when thefts are committed, the deprecators remain at rest, for want of a proper officer (a Queen's Counsel) appointed. One should be appointed, and in such appointment I would recommend the Executive to be very cautious. We have only two Attornies who attend the Courts—Etienne Martel, and John R. Hamilton, Esquires. I would not re-

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commend the latter to the office; the inhabitants have lost all their confidence in him, and for the sake of receiving his seven pounds ten shillings on each suit, he would manage it on the wholesale system, and create numberless suits out of the most trifling things.

*Seventh.*—There is no difficulty in obtaining Special Constables when wanted. I know only of one instance when such were required.

*Eighth.*—Persons accused are arrested, secured, and committed without any difficulty, the only difficulty that I am aware of is the want of sufficient number of Justices of the Peace, and there is a good deal of time lost.

*Ninth.*—General Sessions are held at New Carlisle, in the Court Hall regularly.

*Eleventh.*—Yes.

*Twelfth.*—No.

*Fourteenth.*—The number of Justices should be increased, and there ought to be at least two in each Township, except in Cox Township, where the number should be double, the population being about fifteen hundred, and where the most of the business is transacted.

*Fifteenth.*—General Sessions should be held in August in lieu of July. In July the inhabitants are all engaged in the fisheries, and absent on some fishing voyage; and if they are summoned as Jurors, they must attend, thereby proving injurious to them. Not so in August, the summer fishery closes about the fifteenth, and new engagements are then made for the fall fishery; and there is about a week leisure at this time, when the people would attend cheerfully, without a murmur.

*Sixteenth.*—There ought to be a Clerk of the Peace for each County.

*Seventeenth.*—The Gaol and Court Hall in New Carlisle can answer the County, if there were rooms for debtors, as proposed in the presentment of the Grand Jury of the 14th January last (copy of which was forwarded to Head Quarters). Instead of proposing new Gaols and Court Halls, the present ones should be kept in repairs, and not allowed to go to decay. A Gaol can answer every purpose in this County, and there is no necessity for more; the maintenance and keeping of such Gaols and Court Houses cannot be defrayed by the inhabitants, who are already too poor, with difficulty making a living.

*Eighteenth.*—The Administration of Justice and system thereof, considering the present state of the District, is insufficient and defective in every respect. The abuses and complaints are of daily occurrence, by being left to labour under disadvantages;—the Jurisdiction is too extensive to be confided in any one individual. The people desire to be placed on the same footing as in other Districts of the Province, that is to say:—

A *Superior Court*, composed of three Judges, with unlimited jurisdiction over criminal and civil matters, twice a-year as at present; one of these Judges to be resident in New Carlisle, one in Percé, and the other could come from Quebec to join the others.

An *Inferior Court* composed of the two resident Judges to sit as heretofore in each County—the jurisdiction to be under twenty pounds, and an appeal to the Superior Courts. I would also recommend a *Magistrate Court* composed of three Justices

of the Peace, to sit quarterly, for cognizance of causes under five pounds currency, the expenses of which are light and do not prove ruinous to the parties. The *Tariff of Fees* should be reduced; and real property taken in execution should be *Gazetted* as heretofore, and advertized and sold in the District, at the Church door of the Township where the property is situated, instead of in Quebec, where property has been sacrificed without the knowledge of parties and persons here who would have purchased.

*Twenty-first.*—Any proposition for the establishment of a local Rural Police or High Constables in so extensive a District as this, is ridiculous, neither are needed in a country where the three-fourths of the houses are left unlocked at night. The inhabitants are peaceable, and seldom or never does one hear of any disturbance. The expense could not be defrayed by the District in any shape whatever.

*Twenty-second.*—I am a merchant, and doing business for a considerable amount yearly. I have three thousand pounds debts, and having no confidence in the present administration of justice, I cannot now, with safety, institute any actions at law for recovering such debts, until the system of judicature and administration thereof are altered. In my situation of life I have every means of knowing the opinion and feelings of the inhabitants throughout, and I have no hesitation in stating that the general opinion of the District is like mine. I have attended Court occasionally, and I am sorry to say that there is very little respect paid, and less order kept, than one has a right to look for in a Court of Justice. A great change is called for; the state of the District of Gaspé demands it; and I know of no constitution and system of judicature which will give satisfaction, than what I have proposed in the eighteenth answer: that is a *Superior Court*, with unlimited jurisdiction, and an *Inferior Court*, with limited jurisdiction.

(Signed,) DAVID LE BOUTILLIER.

No. 15.

Answers of John Todd Caldwell, and others.

New Carlisle, 9th August, 1842.

GENTLEMEN,

Having received your List of Queries dated 23d. July, We beg leave to forward you the following answers thereto.

We are,  
With due respect,  
Your most obedient servants,

(Signed,) JOHN T. CALDWELL  
HENRY CALDWELL.

Messrs. Cochran & Dumoulin, Q. C., Quebec.

*First.*—Two Justices of the Peace acting, four having been named in the Commission, one of whom has not qualified, and the other has resigned.

*Second.*—I am not a Justice of the Peace.

*Fourth.*—Formerly they were employed, but very seldom are they called upon, at present there being a sufficiency of Constables appointed who do the duty.

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*Fifth.*—Cases sometimes happen that when the party does not appear, and no steps has been taken to prosecute the Securities for want of a Queen's Attorney. If it be the intention of the Government to appoint one, it would not be advisable to appoint John R. Hamilton, Esquire, to that office, he being a *great speculator*, he would turn it to his own advantage by creating suits of the most trifling nature, and such appointment would augment the general discontent of the inhabitants.

*Seventh.*—I know only of one occasion, and there was no difficulty in procuring Special Constables.

*Eighth.*—I know of no difficulties in arresting, securing and committing persons accused, the inhabitants generally speaking are of quiet and peaceable nature.

*Ninth.*—They are held in the Court Hall at New Carlisle and have been held regularly except in one instance where some of the Magistrates did not attend.

*Eleventh.*—There has been always a sufficient number of Jurors summoned, in some instances too many.

*Twelfth.*—None.

*Fourteenth.*—Yes. In the Township of Cox there ought to be at least six to secure the holding of Sessions. And I would suggest that R. W. Fitton and Henry Kavanagh should not be named in the Commission, as they are tools of the Attorney John R. Hamilton, Esquire.

*Fifteenth.*—At New Carlisle in January from the 11th to 15th as at present, and in August from the 10th to the 15th instead of July, at which time the inhabitants are about closing the summer fishery, whereas in July it is attended by great loss.

*Seventeenth.*—There is no necessity of more Gaols and Court Halls. At New Carlisle there are no apartments for Debtors, and are confined with the Criminals in the Cells.

*Eighteenth.*—The system is insufficient in all respects, considering the present state of the Districts—the administration thereof and abuses practised under it are grounds of complaint by the inhabitants of the District generally. My opinion is as follows:—

That the Provincial Court, composed of one Judge only, as at present, is not sufficient. One objection is, that the jurisdiction is too extensive to be entrusted to one individual, unless there be some check at hand against his doing wrong, which is indispensable. The District demands a Superior Jurisdiction, without having recourse to the Courts at Quebec, the Courts at Quebec being at too great a distance to appeal for redress. The Courts required are a King's Bench composed of three Judges, one residing at the Town of New Carlisle, another at the North Beach of Percé, and a Judge coming from the King's Bench at Quebec to preside in each County twice a year, and having jurisdiction over criminal as well as civil matters—and Inferior Courts composed of the two resident Judges sitting also twice a year in each County—the jurisdiction of the King's Bench to be from £20 and upwards, the Inferior under £20 currency, with an appeal to the Superior Courts from £10 currency.

The Prothonotaries to issue Writs of Capias or Attachment as well as the Judges.

The Tariff of fees ought to be reduced.

The manner of taking in execution; advertizing and selling real property under Judgments rendered at Quebec is justly complained of.

Real property should be taken in execution, and advertized as usual, but to be sold and also advertized within the District.

*Twenty-first.*—The appointment of a High Constable or local Rural Police in the District is unnecessary, and only creating unnecessary expenses, which the population of the District is unable to pay.

*Twenty-second.*—I have already given my opinion of the system of Judicature as being defective. As to the administration, I am aware of many who have not instituted actions for recovering just debts, for want of confidence in it; and further, I have no confidence in it myself, and I would not risk a suit in the present Court.

(Signed.)

"

JOHN T. CALDWELL,  
HENRY CALDWELL,  
ROBERT CALDWELL,  
A. BEBEE,  
JAMES MORRISON,  
DANIEL MARRETT,  
JOHN CALDWELL,  
JAMES CALDWELL,  
WILLIAM MANN.

No. 16.

*Answers of Edward Hay Enwright, Esquire.*

Cox, New Carlisle, 9th August, 1842.

GENTLEMEN,

I have the honor to acknowledge the receipt of your communication, requesting my answers to certain questions therein mentioned, relative to the Administration of Justice in the District of Gaspé. I herewith transmit you, as follows, all the information within the limits of my knowledge and recollection, as per the order and number of the said questions.

I have the honor to be,  
Gentlemen,

Your most obedient humble servant,

(Signed.) EDWARD HAY ENWRIGHT.

To the Hon. A. W. Cochran, Q. C., and P. B. Dumoulin, Q. C., Commissioners for Enquiry, &c. &c. &c., District of Gaspé.

*First.*—There are three Magistrates in the settlement of New Carlisle, viz.: Edward Hay Enwright, William Macdonald and Robert Caldwell.

*Second.*—I am Justice of the Peace, and being called upon during the period of three years twenty-nine times; viz.: three bound over to keep the peace, twelve for common assault and battery, six for neglect to do work on the highway, and eight for trespass of Agricultural Act.

*Third.*—Offenders against the laws are proceeded against by indictments before the Grand Jury—such as assault and battery, theft, burglary, and the like. Offenders are brought before Justices of the Peace by sworn Constables.

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*Fourth.*—As to this question relative to Sergeants of Militia being employed as Peace Officers, I do not recollect one instance.

*Fifth.*—I have no recollection or knowledge of any person being discharged after bail being given to a Justice of the Peace for good behaviour and to keep the peace.

*Sixth.*—This question, as regards myself, I refer to question second. The acts and doings of other Magistrates in the neighbourhood, cannot say how such, their convictions have been enforced or carried into execution.

*Seventh.*—In case of the absence of near Constables, it was, a matter of course, necessary to appoint a Special Constable for the time being, without any trouble or difficulty whatever.

*Eighth.*—I have no knowledge of any difficulty that exists in arresting, securing and committing persons accused, except that application was made at several times to me by persons for that justice they were entitled to by law, for assault and battery, they having been refused justice from a Magistrate of Hopetown, to whom application was made; particularly a female of good character, at three several times, to the said Magistrate, begging he would grant a warrant to apprehend a man for assault and battery on her person, without any provocation, to which application he, at these three several times refused, and, in consequence, she had to travel a distance of ten miles to another Magistrate, to obtain justice and a warrant. Also the said Magistrate refusing his advice and support to a Constable who was placed in a difficult situation, having arrested and made prisoner a man in his (the Magistrate's) neighbourhood, who, after being made a prisoner, resisted the Constables and would not surrender himself, although the said prisoner was himself a Constable; that, in the most respectful manner, he told the Magistrate the difficulty he was placed in, and received, for so doing, a severe rebuke in very abusive language, and desiring him to be off with himself from off his premises and never to appear before him again—upon which the Constable came before me and made two affidavits, one testifying the conduct of the Magistrate, the other against the misconduct of his prisoner, which affidavits I hold in my possession.

*Ninth.*—General Sessions of the Peace are held twice a-year at New Carlisle, viz., on the 11th January and 21st July, in the Court Hall, and do not recollect more than one Session not taking place in consequence of the absence or non-attendance of Magistrates.

*Tenth.*—I am not aware of any particular circumstance having prevented the holding of the Sessions of the Peace at the regular periods, except at one time a great argument came on by three or four Lawyers, three of them pleading the incompetency of the Court, not having the power vested in them to act as Justices of the Peace, in consequence of the qualification Act having expired. (No Sessions this time.)

*Eleventh.*—I have frequently observed many more over and above a sufficient number of Jurors summoned and in attendance, notwithstanding some being reported absent. The contingent accounts are not subject to any controul of inspection or investigation; such accounts are desirable to be examined before a competent tribunal here.

*Twelfth.*—I do not recollect any difficulty experienced in obtaining Bills of Indictment to be found

before the Grand Jury, or verdict of conviction by Petty Jurors, on sufficient evidence being laid before them respectively.

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*Thirteenth.*—I have no knowledge of any offenders against the law having escaped prosecution or conviction, except persons bound over in recognizance to appear before the Sessions (not appearing) have escaped for want of Queen's Counsel to prosecute the Securities when forfeited. Mr. Martel, Attorney, if appointed Queen's Counsel would answer.

*Fourteenth.*—It is desirable some few Justices of the Peace be appointed for the County of Bonaventure, such as fit and properly qualified persons from the most respectable of character and property, possessed of a degree of independence, as report says such and such a one will be recommended, for reasons, by a certain relative of a high functionary, and then will his wishes be effected. But it is to be hoped otherwise, as no doubt his favorites will be strongly recommended, some of whom a gentleman would not appear on the same Bench with.

*Fifteenth.*—I am of opinion it would be desirable the term of the Sessions at New Carlisle would be changed, particularly as relates to the Sessions in the month of July, it being the most important time of the season—the people being engaged in the Fishery, thereby causing a great loss to them. I would in consequence suggest the early part of November and May, when the people are not much employed.

*Sixteenth.*—The duty of Clerk of the Peace is already well provided for, he being well paid for Indictments, Warrants, Summons, Subpcenas, Depositions, Recognizances, &c. &c., and all other documents written by him—and having a salary besides—as also a charge made by him on the Crown in certain cases. The people complain of the high rate of the tariff of fees charged by Attorneys, Clerks of the Peace, Bailiff's, &c. &c., for instance the writing an indictment for common assault and battery 15s., application was made for the tariff list to shew for itself, but to no effect.

*Seventeenth.*—If there was a small addition made to the Gaoler's and Debtor's rooms, nothing more would be required, except at Carleton, where it is necessary to erect or purchase a suitable building, and am not prepared to say if the poor people can contribute.

*Eighteenth.*—Taking into consideration the present state of the District as respects its population and revenue, I am of opinion that the District of Gaspé has a right to be put upon the same footing as other Districts, as to Courts of Law, Civil as well as Criminal—the existing provisions by law being insufficient in every respect.

*Nineteenth.*—The inhabitants have signed a Petition to Parliament to the above effect, the grounds thereof are abuses practiced under the different heads of the Provincial Court.—1st. The Constitution of the Provincial Court by one Judge only.—2nd. The distribution of a jurisdiction which requires three Judges at Quebec, and other matters as per Petition doth specify.

*Twentieth.*—An Appeal ought to be granted to British subjects, but in this District the people are debarred that privilege under twenty pounds sterling. It is to my knowledge that many persons have been grieved for the want of an appeal under this sum; and myself as one of the number. If there was a Commissioner Court established of three com-

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competent persons for each County, to attend at the different Townships, at different periods, the jurisdiction of which Court to be ten pounds currency, this would be more preferable than appointing Commissioners in each Township who would be acquainted with all the ends and outs of their neighbours, and favour to one or other of the parties would be the consequence—and an appeal from this Court to the Inferior Court, which Inferior Courts' jurisdiction to be only twenty pounds currency—and an appeal from this Inferior Court to the Supreme Circuit Court, and so on. I am strongly of opinion the jurisdiction and administration of such Courts in civil matters as in Nova Scotia would answer the poor inhabitants of this District better than at present established, particularly as the administration and judicature is not in confidence with the people.

*Twenty first.*—There is no necessity whatever, for any High Constables or Police establishment in the District, the inhabitants being a quiet, peaceable and loyal people, and too poor to met any expense of the kind. The modification of the Tariff is very much required. Abuses exist—as mileage upon Bailiffs' service is taken advantage of. It is notorious that Bailiffs' have been engaged for a trifling consideration, when the mileage upon each service amounted in the whole to a considerable sum.

*Answer to the Supplementary Question.*

It is within my knowledge that persons have declined prosecuting for their just debts, and even some suits in the course of trial have been withdrawn for want of confidence in the administration and defect of the system of judicature.

(Signed,) E. H. ENRIGHT.

No. 17.

*Answers of Farquhar McRae, Esquire.*

Hopetown, 30th July, 1842.

GENTLEMEN,

I have the honor to acknowledge the receipt of your letter of the 23d instant, transmitting me a list of questions relative to the Administration of Justice in this District, and requesting a reply to the same.

Although ill qualified to the task, I will, as far as my knowledge of the District and its inhabitants permits, attempt to give you all the information in my power, and answer the series of questions as succinctly as possible.

*To the first question, One,*—which is myself, I have acted as Justice of the Peace for the last thirty-three years.

*Second.*—I am called upon frequently to act. Complaints, are generally assaults and batteries, larceny, and desertion from service.

*Third.*—The proceedings before me are by deposition and warrant entrusted to a Constable, who brings the party accused before the nearest Magistrate.

*Fourth.*—Never, with one exception however; an individual accused of murder was conveyed from Carleton to New Carlisle by Captains of Militia.

*Fifth.*—Yes, when the case is bailable. The effect of such course of proceedings has been, that there being no competent tribunal in the District to prosecute or recover such securities when forfeited, the offenders have generally escaped.

*Sixth.*—Very few before me; several before other parties. The parties convicted have generally submitted to the conviction.

*Seventh.*—Not generally, particularly in cases arising out of wrecks.

*Eighth.*—At the wreck of the Colborne, thousands of pounds worth of property was stolen by persons of every description, from the want of sufficient power to secure it. A person, this spring, resisted, with armed force, the execution of a warrant against him for desertion, and he could not be arrested. The best and perhaps the only mode of removing this difficulty would be, by having a small detachment of troops stationed at New Carlisle. This would be far preferable to a Police, which composed of the inhabitants of the District, could not be depended on, owing to the extensive connection between them.

*Ninth.*—Sessions of the Peace have been, for the last three years, held in New Carlisle, at the periods fixed by law, with one or two exceptions, that there were not a sufficient number of Magistrates in attendance.

*Tenth.*—The want of Magistrates in attendance has been the only cause which has prevented the holding of the Sessions, several of the present gentlemen in the Commission can neither read nor write; others are as ill qualified; and although the list looks large, yet there are not more than five or six in this County who are in the active performance of their duties as Magistrates.

*Eleventh.*—There have always been a sufficient number of Jurors in attendance.

*Twelfth.*—Not generally; but a Chairman, a legal character, would be an immense benefit to further the ends of justice, as Magistrates are often at a loss how to act, particularly in legal questions submitted to their decision.

*Thirteenth.*—Several parties would have been indicted in the July Session of 1841, but there was not a sufficient number of Magistrates in attendance, in fact I was alone. I then supposed that it was because the offenders were near relations to those Justices, residing near New Carlisle, who are in the habit of attending. Such was also the impression among the people.

*Fourteenth.*—Another Justice would be desirable for Hopetown, if a person of sufficient character and education could be appointed—if not, it only throws contempt on the Magistracy, to put in the Commission men unqualified. I do not think an increase of Militia or Peace Officers necessary.

*Fifteenth.*—I think that winter Sessions would be preferable, because the people are generally very busily engaged in the summer season, at the fisheries, and a great many are absent in schooners.

*Sixteenth.*—In the same manner as it is at present provided for.

*Seventeenth.*—No. One Gaol and one Court Hall ought to be sufficient for one County, and the Gaol and Court Hall of New Carlisle are sufficient for the wants of the County.

*Eighteenth.*—No, I do not.

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*Nineteenth.*—I consider that the jurisdiction of the Provincial Judge ought to be unlimited, or should it be considered that one individual ought not to have unlimited jurisdiction, then I would propose:—1st. That there should be one resident Judge in the County of Bonaventure, and another in the County of Gaspé.—2nd. That the two resident Judges should have unlimited jurisdiction both in civil and criminal matters, and in cases where there existed a difference of opinion a third Judge could come from Quebec.—3rd. That the Courts composed of two Judges should have unlimited jurisdiction, and those held by one resident Judge, or County Courts, should be limited to £25, but cases exceeding £25 could be made returnable before the Courts held by one resident Judge, who might also be competent to take the evidence in such cases, but that no judgment be rendered in such cases except by the Court held by two or more Judges.—4th. That the Courts held by one resident Judge should be in the winter season if possible. Those held by the two resident Judges, in the summer months.—5th. That Writs of *Capias* be issued by the resident Judge, or the Clerks of the Court.—6th. A Court of unlimited jurisdiction to be held once a year in the month of July in New Carlisle, and in the month of August in Percé or Gaspé; one of limited jurisdiction in New Carlisle in the month of December, one in New Richmond in January, one in Ristigouche in February, and another in New Carlisle in March.—7th. The two resident Judges to hold a Court for the trial of criminal offences once a year in each County at Percé or Gaspé in August, before or after the Superior Court; and in New Carlisle in July.—8th. The Tariff to be similar to the tariff of the District Courts in cases under £25, and to that of the King's Bench at Quebec or Montreal in cases over £25. I understand that the tariff of the Provincial Court is similar to that of the Court of King's Bench at Quebec. I am not aware that it could be modified. On the one hand the officers of the Court complain, and I believe justly, that it is too low, and the other parties say it is too high, and I could not decide between them. I would merely observe that parties sued take so many methods of evading their creditor, that they frequently heap expenses on themselves by their own fault and their wish to obtain sympathy by declaiming against Courts of Justice.—9th. I cannot answer.—10th. The Court ought to have power to make its own Rules of Practice.—11th. Real estate ought to be taken into execution and advertised in the manner already prescribed by law, and sold in the Court Hall of the County wherein it is situated.—12th. There ought to be a right of appeal in all cases from £5 to £25 to the Court held by the two resident Judges, and in cases above £25 to the Court of Appeals in Quebec.

*Twentieth.*—The effect of a limited jurisdiction in civil matters is that merchants and others engaged in trade, are obliged to limit their credits as there is no competent tribunal in the District to recover debts exceeding £100, and from the want of a Court having criminal jurisdiction over offences not cognizable in the Sessions of the Peace, all crimes of the highest class heretofore committed in the District have gone unpunished.

*Twenty first.*—One High Constable would be of great utility. His salary to be paid out of the Provincial revenue. It would be difficult to establish a local Police—it would be odious to the inhabitants if the Municipal District had to provide for it.

I have the honor to be,  
Gentlemen,  
Your most obedient servant,

(Signed,) FARQ. MCRAE.

The Hon. A. W. Cochran and P. B. Dumoulin,  
Esquire, &c. &c. &c.

No. 18.

Answers of William Millar and others.

Port Daniel, 9th August, 1842.

GENTLEMEN,

Agreeably to your request, I hereby forward my answers to certain queries connected with the Administration of Justice in the Inferior District of Gaspé.

I am,  
Gentlemen,  
Your most obedient  
Humble servant,

(Signed,) W. MILLAR.

To the Commissioners of the Gaspé Inquiry.

*Question First*—I have no knowledge of any Justice of the Peace, who resides in the Township of Port Daniel, who has qualified to act as a Magistrate. The nearest Magistrate is in the Township of Hope.

*Ninth.*—General Sessions of the Peace have been held twice a-year in the Court Hall at New Carlisle during the last three years.

*Tenth.*—I have no knowledge of any particular circumstance to prevent the holding of such General Sessions of the Peace, according to law.

*Eleventh.*—There has been, generally, a sufficient number of Jurors summoned and in attendance at such Sessions when holden.

*Twelfth.*—There has been no difficulty, to my knowledge or belief, experienced in obtaining Bills of Indictment to be found before such Grand Juries, or verdicts of convictions by such Petty Juries, when sufficient evidence was laid before them respectively.

*Thirteenth.*—I know of only one instance in this neighbourhood wherein an offender against the laws has, as yet, escaped prosecution. Had the Constable done his duty, or were he to do his duty, the individual might easily be taken.

*Fourteenth.*—I do think it desirable that one or two Justices of the Peace should be appointed in the above mentioned settlement.

*Fifteenth.*—I do not think it requisite that General Sessions of the Peace should be held at any other place than those now fixed by law.

*Seventeenth.*—I do not think it necessary that the number of Gaols or Court Halls should be increased, taking into consideration the present state of the District.

*Eighteenth.*—I do not consider that the existing provisions by law for the Administration of Justice in the Inferior District of Gaspé, in civil matters, and for bringing to justice the higher classes of criminal offences committed therein, is sufficient.

*Nineteenth.*—In the first place, I consider the present jurisdiction of the Judge too extensive.—2nd. The delay and expenses incurred by prosecuting suits at Quebec, when above the jurisdiction of the Judge.—3rd. The expense and trouble incurred in suing for sums of small pecuniary value.—4th. The delay in bringing to justice the higher classes of criminal offenders.

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I do therefore consider it very desirable that *one other Judge* should be appointed for the District, and his residence should be at Gaspé, who along with the Judge at New Carlisle, should have jurisdiction to the amount of £100 currency, and power to try the higher classes of criminal offenders, and for the recovery of sums of small amount. I consider that a Court for that purpose should be established in each Township, to be called the Township Court, to be holden on the first Tuesday of every month, and that two or more Justices of the Peace, or other discreet and competent persons who reside in the Township, be appointed to preside at said Court, to hear and determine all complaints brought before them in a summary manner to the amount or value of ten pounds currency; that the said Commissioners be authorized to allow Defendants to pay by instalments in any case when just grounds of their inability to pay the full amount is at once shewn; That no Attorney or Lawyer be allowed to practice in said Courts, and the decision of the said Commissioners to be final and not subject to review of any Court of Law whatever; That the said Commissioners be allowed ten shillings currency per day for each day they sit in said Court; That a regular Tariff of fees be levied on each case for the payment of the Commissioners, Clerks and Bailiffs; That the Clerk of every Township Court be ordered on a certain day once or twice a year, to render to the Inspector General of this Province, a true account in writing of all monies received, and of all monies disbursed by him on account of such Township Court in such form and in such particulars as the Inspector General may from time to time require. After paying over to the Commissioners the several sums due to them for their salaries, shall pay over any balance that may be in his hands to the Receiver General to form part of the consolidated revenue fund of the Province; That in case the fees received in the Township Courts should be insufficient to defray the disbursements required by said Courts and the Commissioners' salaries, the balance to be made up by Government; That the Clerks of the Township Courts be appointed by the Commissioners, and find sufficient security for the faithful performance of his duty; That the Bailiffs of said Courts be appointed in like manner.

**TARIFF OF FEES IN THE PROPOSED TOWNSHIP COURTS.**

*To the Fee Fund for the Commissioners.*

	s.	d.
On every Summons .....	2	0
On every Affidavit .....	1	0
On every final Judgment .....	2	0
On every Execution .....	0	9
On every Subpœna .....	0	6

*To the Clerk.*

For every Summons .....	1	9
For every Copy of the Summons .....	0	6
For every Subpœna .....	0	6
For every Copy of the same .....	0	3
For entering every Judgment and Copy thereof .....	1	0
For every Precept of Execution .....	1	0

*To the Bailiff.*

For service of Process on each person ..	1	0
For the Seizure of Goods under Execution .....	4	0
For the Sale of Goods, including publication, &c. ....	4	0
For returning Writ of Execution .....	0	3
For mileage on service of Process, &c., at the rate of one shilling, currency, per league, without any charge on the distance in returning.		

That the forms of Summons, Subpœnas, Absolute Orders of Payments, Precept or Warrant against goods be the same as in the Division Courts.

*In answer to the Supplementary Question.*

I have myself sacrificed debts and claims of considerable amount, having not endeavoured to recover them by law, in consequence of having no confidence in the present system of Judicature in this District.

*Question Twenty-first.*—I do not think it desirable or in any wise needful to appoint any High Constables for the two Counties of the Inferior District, or to establish a local Rural Police.

(Signed,) **WM. MILLAR.**

I have shewn the above Queries and Answers to several of the Freeholders in this settlement, and their approval is hereby attested by their signatures.

(Signed,) **WILLIAM PHELAN,**  
" **JOSHUA BEBEE,**  
" **JOHN DEA,**  
" **MATHEW MURPHY,**  
" **WILLIAM McDONALD.**

No 19.

*Answers of William McPherson.*

To the Honorable Commissioners of Inquiry for the District of Gaspé:

GENTLEMEN,

I received one of your circulars. Some of the questions I have answered to the best of my knowledge, which if my answers affords any information, it will be highly gratifying to me.

*First.*—In the Township of Port Daniel, a distance of fourteen miles, fronting on the Bay from Point Mackerel extending up the Bay, there is but one Justice of the Peace those last three years. He has not qualified. I think the nearest acting Justice is in the Township of Hope. Population of the Township of Port Daniel about 500.

*Second.*—I am not a Justice of the Peace myself.

*Third.*—Offenders against the laws are in general apprehended by warrant granted by the Justice to the applicant. There are Constables appointed by the Court in every Township, who in general take offenders upon the warrant being handed to them. Otherwise the Bailiffs execute them.

*Fourth.*—The Officers or Serjeants of the Militia, excepting they are Constables are not in general, or to my knowledge employed as Peace Officers, though I am certain they would do duty as such if called upon or required.

*Fifth.*—It is usual for the Justices of the Peace to discharge accused persons on giving bail or security to keep the Peace. To my knowledge, I never knew the accused to break the peace after giving such bail or security, nor the securities forfeited.

*Sixth.*—There has no convictions taken place in the neighbourhood within the last three years, to my knowledge.

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*Seventh.*—It has not been found necessary to appoint or employ Special Constables for the last three years. It was at one time, four years next October, to protect the property of the wreck of the bark Colborne.

*Eighth.*—I am not aware of any difficulty occurring in securing or committing persons accused. When and where the Constable or Bailiff exerted himself or did his duty. I can suggest no improvement considering the scattered population, excepting selecting worthy men as Constables in each Township.

*Ninth.*—The General Sessions of the Peace, has been held twice a year those three years past in the Court Hall at New Carlisle, though some Sessions, very little to be done.

*Tenth.*—I am not aware of any circumstance to prevent such Sessions of the Peace being held. I have known objections being made by some of the Counsellors at Law against the legality of such Sessions, though I never knew them to be prevented on that account.

*Eleventh.*—There has generally been a sufficient number of Jurors summoned and in attendance.

*Twelfth.*—To my knowledge and belief there is no difficulty experienced in obtaining bills of indictment before such Grand Jurors or verdict of conviction before such Petty Jurors, on sufficient evidence laid before them respectfully.

*Thirteenth.*—Within the last three years, there is but one in our neighbourhood, an offender who escaped prosecution, a fisherman who had arranged with a merchant to go to the North Shore to fish for the season, and had received some advances on the confidence of fulfilling said arrangement. When the merchant was prepared for the voyage, the offender kept out of the way. The merchant then got a warrant to apprehend him. The Constable to whom the warrant was given, not exerting himself, he has not been taken. This happened last June. The Constable made no attempt to take him after the first time, otherwise he might easily have been committed.

*Fourteenth.*—I do think it desirable to increase the number of Justices of the Peace and Officers of Militia in the Townships, and muster the Militia once a-year, which has not taken place these last five years.

*Fifteenth.*—I do not think it desirable or required that the Sessions of the Peace should be held at any other places than those now fixed by law.

*Seventeenth.*—I do not think it necessary that the number of Gaols should be increased in the County. If they are increased, it should be at Carleton.

*Eighteenth.*—It is my opinion that the existing form by law, for the Administration of Justice is sufficient when justly administered.

*Nineteenth.*—If there is to be an amendment, the remedy I would suggest is two Judges for the District, one for each County, who could hold Courts of Common Pleas in each County, at certain terms—each should have jurisdiction to the amount of one hundred pounds. There should be a Supreme Court held in each County once a-year, where both Judges would preside on criminal offences and sums to any amount. The Tariff of Fees should be

regulated with a strict eye to economy, as there is but little business done or required to be done in the Courts of the District.

*Twentieth.*—There is no particular facts within my own knowledge of the sufficiency or insufficiency of the existing system of Judicature for the recovering of debts or the detrementation of the other rights of individuals or of the Crown.

*Twenty-first.*—While our population are no more than at present, I do not think it advisable to appoint any High Constables for the District, or to establish a local Rural Police, as the inhabitants are peaceable and poor. I cannot see that such are required. There is not one hundred emigrants settled in this District those last ten years. It is but one out of every four of the present inhabitants that has one word of education.

Gentlemen,

Your obedient servant,

(Signed) WILLIAM McPHERSON.

Port Daniel, August 2d, 1842.

GENTLEMEN,

I will venture on a few remarks, in my opinion the cause of so many supposed grievances existing in the District.

It is not the poor and inoffensive inhabitant who finds any fault with the affairs of the District. It is a few leading characters who have had private disputes and bear private animosities against each other. They get up Petitions and Contra Petitions and re-accuse each other, while both parties tell part of the truth, those individuals as you will find have the District nearly divided into two parties, each party endeavouring by all means in their power to condemn their opponent, and establish themselves as pure. I am not surprised that His Excellency the Governor-General is at a loss how to proceed with those learned gentlemen's Petitions and Contra Petitions. It is one out of thirty of the poor inhabitants that knows any thing of those Petitions, until handed them for their mark or signature, with the bearer of the Petition, stating it is all for their interest. They of course put down their mark at once. Next day the Contra Petition comes, the bearer of which condemns the first, and states that the Petition now for signature is the only one for their interest. Thinking both Petitions are for the welfare of the District, the poor inoffensive inhabitant gives his mark to both.

If the above remarks are worth notice, it will oblige

Gentlemen,

Yours, &amp;c. &amp;c.

(Signed) WILLIAM McPHERSON.

It would save a great deal of costs and trouble to the inhabitants if two or three Justices of the Peace in each Township would hold Courts once each month, and have it in their power to decide small debts, say under five pounds. In my opinion, it would give general satisfaction.

(Signed)

W. McP.

*Supplementary Question Answered.*

The system of judicature I should suppose, is intended for equal justice to all Her Majesty's subjects, and excepting the profession, I think there is but

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five in the District that know the system any further than simply supposing the laws have been framed with a view to give justice if justly administered. I myself have lost several debts, and made sacrifices, and would do it again rather than go to law, for want of confidence, not in the law, but the administration of it.

(Signed)

W. McP.

No. 20.

Answers of Mr. R. W. Kelly.

Grand Pabos, August 6th, 1842.

GENTLEMEN,

I acknowledge the receipt of your Circular of the 18th ultimo, answers to which I beg leave to enclose. I feel highly honored by your reference to my humble judgment on affairs of such importance, and should have hesitated in offering my opinion on such subjects, only I feared my silence might be construed into a general admission of the correctness of the popular outcry. If my answers and respectful suggestions should not coincide with those coming from persons of superior information, you will please attribute the difference of such opinion to my want of experience. All I have to offer as an apology for them, is that they are founded on my own conviction, and agreeable to the sentiments of all the persons in this place to whom I have spoken on the subject.

I have the honor to be,  
Gentlemen,

Your most obedient,

(Signed)

ROBERT W. KELLY.

To the Honorable A. W. Cochran and P. B. Dumoulin, Esquire, Commissioners, &c. &c. &c.

*Query No. One.*—The two Magistrates most contiguous to this place, Pabos, are William Carter, Esq. of Port Daniel, eighteen miles distant, and Anselme Thibodeau, Esq., of Grand River, eleven miles. Cannot say if either have qualified, but both gentlemen act as Justices of the Peace.

*Second.*—I am not a Justice of the Peace.

*Third.*—By informations before the Justice of the Peace, who, in most instances, issues his summons; but in cases such as require warrants, if the Plaintiff has money or credit to induce a Constable to act, and the Defendant is willing, he appears, but generally the Constable is beaten off, the prisoner escapes, and the Plaintiff or Prosecutor makes, afterwards, the best arrangement he can with the Defendant.

*Fourth.*—In this place we have no Officers of Militia, but have not heard any instance of their being called upon to act in Civil suits.

*Fifth.*—It has been usual so to do, and I have not known one instance of the recognizances having been estreated; the consequence is, the party defendant relying on the general course adopted by Justices of the Peace, again offends, is again bailed, and so on, until at length he commits some crime more serious, which is brought before the notice of the Court, to be again most leniently dealt with.

*Sixth.*—I cannot say, but I have not heard of any convictions having been enforced.

*Seventh.*—It has frequently been necessary, but not easy to appoint Special Constables, as they require, at certain seasons, great payment, the fees allowed by the Act of Assembly, not being regarded by them as sufficient remuneration.

*Eighth.*—The Commissioners will be pleased to understand, by the above answers, some of the difficulties which exist; another, perhaps unavoidable in this or any other country place, is the relationship of the Constable to the parties charged with crime. The only remedies, in my humble judgment are:—Appoint Magistrates who will execute their respective functions and assist their confreres in the Commission of the Peace; enforce the observance of duty from the Constables; organize the Militia so that a prisoner can be safely transmitted from Officer to Officer; appoint a Sheriff or High Constable for the County, so that, in cases of need, the Civil authorities may know whom to apply to for assistance, and let the duties of each appointment be clearly defined, and the penalties for omission, or non-observance thereof, real and not nominal.

*Ninth.*—I cannot tell.

*Tenth.*—From information received from several persons, I understand the cause of the General Sessions not being regularly held at Percé, may be attributed to the non-attendance arising from some of the Magistrates being unwilling to sit on the Bench with certain other gentlemen likewise in the Commission of the Peace.

*Eleventh.*—I have reasons to believe a sufficient number of Jurors have been summoned, but from the uncertainty of their being called upon, from the causes stated in the foregoing answer, they do not attend, and I have not heard of any person having been fined. Another circumstance with respect to Grand Jurors, is, that the Sessions being held at a season of the year most important in the fisheries, many gentlemen would prefer paying the fine. The Sheriff is, therefore, obliged to call upon others of less intelligence, who know not the duties of Grand Jurors, or the wants of the country.

*Twelfth.*—I have been informed that the Clerk of the Peace, in many instances, has refused to act as Public Prosecutor, not receiving any remuneration for so doing, consequently many prosecutors not being able to see a Lawyer, Bills of Indictments are not sent to the Grand Jury; but, except in cases of universal plunder, such as wrecks, in which persons of all classes are equally concerned, I do not think or believe any difficulty exists of obtaining conscientious verdicts from Petty Juries.

*Thirteenth.*—In this District, during the fishing season, great numbers of strangers flock thither, and I have known persons accused of s—y, b—y, robbery, &c., escape punishment, from the unwillingness of persons becoming prosecutors, the want of resident Magistrates, and the causes stated in answer *Three*; and at the present Sessions in Percé, I saw a person going about at perfect liberty and in the Court Hall, who had broken out of Gaol some time ago, although some of the Magistrates present were cognizant of the fact.

*Fourteenth.*—Most desirable that at least two Sessions of the Peace should be held each year, viz. October and May. The reason that it is proper that offenders should be speedily brought to justice, and at these times parties can attend with much less inconvenience to their fishing pursuits, should suggest Percé and Douglasstown as the most proper places.

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*Fifteenth.*—I consider it very desirable that the number of Justices of the Peace should be increased, and also proper persons selected as Officers of Militia, who might, when a necessity would occur, act as Peace Officers.

*Sixteenth.*—I respectfully consider that the additional duties required could not faithfully be performed (or at least satisfactorily) by the present Officers, resident in another County, appoint another Clerk of the Peace solely for this County, as very frequently his legal abilities are called into requisition by the Bench of Magistrates, and for another cause stated in the fifth part of the answer to the *Nineteenth* query.

*Seventeenth.*—I do not consider it necessary, that the number of Court Halls and Gaols, should be increased in this County. I respectfully suggest the necessity of altering and repairing these buildings already erected for that purpose at the expense of the Province; but I am of opinion that the expense of maintaining them in good order, should be borne by the County or Municipal District, and levied on all properties by the usual manner of assessment.

*Eighteenth.*—It is my opinion, that the existing provision by Law, on the matters contained in *this query*, are not sufficient.

*Nineteenth.*—I beg leave to apologize to the Commissioners, if I do not confine myself to follow in numerical order the various heads or subjects of this query, but as they require that I should suggest remedies and amendments, with the greatest diffidence of my opinion, I beg leave to say, that it does not give satisfaction; that an unlimited jurisdiction in all cases under one hundred pounds sterling should be vested in one Judge; at present the Administration of Justice in this District is greatly inveighed against. But from the small knowledge I possess, and enquiries into many cases, I cannot ascertain any *real cause* of the outcry. Generally speaking, parties, when they lose their cases in Court, either by the unjustness of their claim, or by *error* in bringing such claim by their advocates, are unwilling to attribute their defeat in the first instance to themselves. They are ignorant of the second, and therefore immediately suppose that partiality in the Judge is the cause, which in all the instances I have known. I solemnly declare does not in my opinion exist. I have remarked in the earlier part of these observations, that my knowledge of these affairs of Court is limited, but the circumstances, I know warrant me in stating my opinion, although perhaps I am single in that opinion, but I do not believe *vox populi, vox Dei*.

I therefore most respectfully suggest the propriety of appointing a resident Judge for each County to have jurisdiction in all cases under twenty five pounds, cases *over* that sum, and *all appeals* from the decision of the Inferior Court to be heard before a Supreme Court, composed of the two resident Judges assisted by a Judge or other qualified person from Quebec or Montreal.

The Inferior Courts to be held twice a year in each County in the usual places, the months of May and October as the time, and the Supreme Court and Court of Appeals in the month of September in each year, at the capital of each County, viz., at New Carlisle and Percé.

All criminal cases not affecting the life of the party accused, to be tried at the General Sessions to be holden in May and October, and all others of a more serious nature by the three Judges in September, but in order to save expense to the County, and

prevent an innocent person from being unjustly detained in prison, I would say, let a commission be issued to the two resident Judges, assisted or not as the Government may think proper, by one or three magistrates of the District generally to try all offences, the time of trial to depend on the Term of the Supreme Court. The place of trial, the County in which the offence was committed, the Jury to be taken from the inhabitants thereof, as at the last commission of Oyer and Terminer, it was taken indiscriminately from the entire District, occasioning much trouble.

The power of issuing Writs of Capias, to be vested under the usual restrictions with the Judge of the County or the Clerk of the Court in his absence. But as the power of taking out Writs of Capias is in many instances greatly abused, and made a source or rather cover for vindictive proceedings, I respectfully would suggest that the Judge or Clerk of the Court if *he thought proper*, should demand such security from the applicant for such Writ as he the Judge or Clerk, may think fit, viz., double the amount sued for.

The Tariff of Fees allowed in other District Courts, to be the Tariff of this District Court.

Of the Rules of Practice, I am totally incapable of giving an opinion.

All real property taken in execution in the *District*, to be advertized in the Quebec Gazette (as the merchants *there* are principally concerned *here* in mercantile transactions), also at the doors of the different Court Houses and Churches in the *District*, and after due notice, let the sale take place by the Sheriff of the County, at some public place, most contiguous to the real property seized.

*Twentieth.*—Answered by the foregoing.

*Twenty-one.*—If a High Sheriff should be appointed for each County, which I have already assumed to be the case, I should say there would not exist the necessity of a High Constable for the County, as the one officer might execute both departments in the present state of the District. With respect to a local rural Police, they have in my opinion, all the objections attending the present race of Constables. One company of Soldiers could be more relied on by the civil authorities than one hundred local Police comprized of that class of individuals from whom they necessarily must be selected, and whose prejudices they naturally imbibe.

The expense attendant upon the appointment of a Sheriff or High Constable, should be borne by the General Government, as this District is very poor, if left to the County, my opinion is, the salary would be so small, that a gentleman determined to do his duty *faithfully*, and support the *dignity of the office*, would not accept the situation, even in matters of much less importance. Economy is sometimes extravagance.

*Twenty-two.*—Cannot give any information that can be relied on with respect to the population. The municipal Ordinance appointing Assessors for the various Townships in the Province, has wisely (or not) left the remuneration of these officers to the District Council. Our Council will grant nothing, and the Act of census, in directing the various Assessors to take the Census, allows them one fourth of such sum for their so doing, as may be allowed them by their Council, for the duties of Assessor. The result is, in this place, they will not act, the *fourth of nothing* not being adequate remuneration.

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*Twenty-third.*—Carriage road from Cape Déspair to Grand River, nine miles. Horse road or Bridle way from Grand River to Pabos, eleven miles, and Rabbit Tracks at present, from thence to Port Daniel, eighteen miles.

*Supplementary Question.*

I know of none, and I have been engaged in Commercial affairs these ten years, in the District. I beg to explain however, that many persons prefer making arrangements with each other, rather than go to Quebec, where it would be highly inconvenient for them to attend, that in my opinion, is the cause of many not endeavouring to recover debts in this Court. But I have seen several instances, where persons most vehement in the outcry of want of confidence in the Court seek redress from the same Court; upon occasions where many others would hesitate, and when defeated in their suits or application, again renew the cry. Another circumstance, which to parties unacquainted with the case seems very unjust, is that after execution and sale of the Defendant's property, by which process he is ruined (and still the debt unpaid) he still is in the power of his creditor, and the Court which sanctions the Lawyer keeping from the proceeds, his bill of costs and in many cases, the proceeds are not sufficient for that purpose, comes in for its share of unpopularity, whereas it is the fault of the Defendant, who, in many instances, being of a litigious character, opposes justice in all its movements, until at length, vanquished, his property and family suffer by his conduct, which, as observed before, only benefits the Lawyer, and ruins him.

All which is most respectfully submitted by

(Signed,) ROBERT W. KELLY.

Grand Pabos, 6th August, 1842.

No. 21.

*Answers of Mr. Robert Houston.*

Answers to Interrogatories put by Commissioners, Gaspé Inquiry.

*Thirteenth.*—There are persons who come within my knowledge, all of whom I should ere this, have prosecuted, but for want of confidence in the present administration of Justice. In one case, I applied to the Attorney General in Quebec, but he refused to do his duty. This individual is a Magistrate, and has been for several years, acting as Commissioner of small debts, and in consequence of my having no redress, he still continues, and persists in defrauding me out of my property.

*Seventeenth.*—I consider the number of Gaols and Court Halls, already in the District, quite sufficient under the present administration of Justice, or indeed in any case, if their "maintenance and safe keeping" are to be provided for, by taxing the already too poor inhabitants, three fourths of whom could not raise ten shillings without a sacrifice of property.

*Eighteenth.*—I may not be capable of judging as to whether or not, the existing provisions by law, for the administration of justice, in the Inferior District of Gaspé, in civil matters, and for bringing to justice, the higher classes of criminal offences committed therein are sufficient, but of this, I am confident, the manner in which it is administered, is quite insufficient.

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*Nineteenth.*—The grounds on which I form the foregoing opinion are, the person at the head of the Administration is a weak man, and liable to be worked upon by certain individuals. One person holds the dangerous situation of Practising Attorney, and may be more properly styled the Judge, than himself. Another, a female, who, by her influence, causes him to give decisions widely contrary to justice.

In one word, from the Judge down to the Bailiff the system is altogether corrupt, and under the different heads, I would suggest as remedies:—

*First, Second and Third.*—That a Superior and Inferior Court be established, the former to be conducted by one or more Circuit Judges, together (if absolutely necessary) with one Resident, who shall have full power to decide upon all cases, to any amount that may arise within the District above twenty pounds; that sum, and under, to be decided in the latter or Inferior Court, to be conducted by three Commissioners, two of whom to be a quorum, and in which parties shall be obliged to call upon no lawyers to transact business, unless it be their wish, and to have a Jury of six if required.

*Fourth.*—The Superior Court to be held once a-year, and the Inferior monthly.

*Fifth, Sixth and Seventh.*—I offer no suggestions.

*Eighth.*—A new Tariff of Fees is absolutely necessary on a much more extensive scale than that now practised.

*Eleventh.*—All real property under judgments should be advertized six months previous to the day of sale, in all the most public places in the District, and personal property eight days, advertized in like manner.

*Twelfth.*—Parties should have a right to appeal in all cases, from the Inferior to the Superior Court—the party appealing giving security, if required, for the costs of suit, and new trial granted in the Superior Court in certain cases.

*Twentieth.*—The particular facts or grounds within my own knowledge to shew the insufficiency &c., of the existing system of Judicature for the recovery of debts are as follows, viz. :—

In July 1835, I arrived at Carleton, from Quebec in my schooner, on a trading voyage within the District (then my usual business), having on board from four to five hundred pounds worth of goods. I was there arrested at the instance of a Magistrate, for forty-eight pounds (£48) and upwards, on an account made out and attested to by him, in which was only eleven pounds (£11) of a just charge, and on which arrest they took from me forty (40) barrels of pickled herrings, then very scarce, which herrings said Court, in connection with this individual, have endeavoured and succeeded, thus far, in defrauding me out of. One "item" in said attested account before referred to, was a note of hand for twenty-three pounds five shillings (£23 5s.), which was indorsed to another person in October, 1834 (upwards of nine months previous to said arrest). This note, however, (thinking at that time, although I have learned the contrary since to my cost, I was dealing with an honest man) was over-paid, previous to the arrest, upwards of six pounds (£6), and said individual to whom it was indorsed, has since sued me for said note during my temporary absence from the District, and would, in all probability, have recovered (and I have been compelled to pay it with loss for the third time) had not a person who was well acquainted with the transaction, stepped for-



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ward and attested to its having been paid. In the interim, however, on making out my account against said Magistrate, I found him to be owing me a considerable balance, on which I had him arrested before said Court, and on examining the evidence they proved pointedly that such was the case, notwithstanding which, said Court gave judgment against me, and upon that judgment have proceeded to sell my vessel, in which I carried on my trade, together with her materials and all the moveable fishing establishment found in my store at Carleton. I may further add, they are still carrying on their prosecution and fraud to the present moment. And the Judge told said Magistrate *in open Court*, he had not yet made sufficient charges against me.

In another instance, I sued an individual for fifteen pounds, (£15) and recovered, (in this cause, I employed the Attorney of notorious fame) after judgment, the man being poor, and not able to pay, gave security not to leave the Province. Sometime after this, in conversation with said Attorney, he gave me to understand, if I could prove said individual had been out of the Province, I could recover said debt from his bail. I replied, that although I believed I could do so, we must be cautious how we proceeded against bail, and gave him no orders to do so. Next term time at New Carlisle, I had occasion to go there, and on my arrival, found said individual and his bail, the latter having been sued without my knowledge or order. My Attorney of notorious fame, put it off from time to time, running me to all the expense possible until the March term of 1838, at which time, when said cause was called, (sitting sloth-upon his seat) he stated there was a misunderstanding between him and his client in said cause, and he did not think proper to proceed any further. This was the last and only chance we had of taking evidence to prove the cause, which had it been attended to, would have been done clearly.

The following day said cause was again called, at which time said Attorney stated that if they wished to know the cause of the misunderstanding between him and his client, it was because he would not pay him his fees, and went on to give me flagrant abuse in open Court. At this time, I asked permission of the Court, to state the cause of said misunderstanding between said Attorney and myself, and to support my cause, which he was trying all in his power to dismiss, when I was pointedly forbidden giving my statement, or defending my cause in any way, either personally, by Attorney, verbal, or by Petit on. Said Attorney was very careful in making out his Bill of costs, charging seven pounds ten shillings (£7 10) as Attorney's fees alone, and that in the case he had done all in his power to dismiss, about this time. While the Judge was taxing said bill, in what is called his room, I looked over his shoulder, (the only opportunity I have ever had of seeing it,) and mentioned the charge of seven pounds ten shillings, (£7 10) as being outrageous, and his honor said he was entitled to it, and went directly on to the Bench and dismissed said cause with all costs against me. Before this time, I was given to understand by said Attorney, that I owed him on his whole bill of costs (amounting to about fifty pounds, £50) a little more than six pounds (£6), and in order, if possible to save said suit, gave him my acknowledgment for that amount. On making particular enquiry afterwards, in place of owing him, I found he would owe me; notwithstanding, I thought it best to make provision to pay said note, I accordingly handed over an execution to a certain Bailiff above the amount, which amount the Bailiff received, or the greater part thereof, for if he did not receive the whole, it was because he would not. This note has since been taken to Douglasstown, in Gaspé Bay, and there proceeded with to trial in said Bailiff's name (the said Attorney

acting) judgment had, an execution issued, without my ever even being notified or even aware of it. You must bear in mind that this same Bailiff held my note by indorsement from the Attorney, at the same time he held the execution in my favour for recovery.

I have many more facts and grounds within my own experience to relate, that should come under this head, which will take more time to put in proper order, at the present, than I can well spare in the throng of business. But I am still resting in hopes that, ere long, I shall be called before a competent tribunal to give a full statement of all the facts.

*In answer to your Supplementary Question,*

I beg to state that I have a great number of debts due me in the District, but dare not prosecute for them under the present administration of justice and system of Judicature.

(Signed,) ROBERT HOUSTON.

Grand River, August 13th, 1842.

To the Commissioners of Inquiry into the Administration of Justice in the District of Gaspé.

No 19.

*Answers of Mr. Andrew Cass.*

(Copy.)

Anse à Beaufile, 8th August, 1842.

GENTLEMEN,

I have the honor to acknowledge the receipt of your Circular, dated Percé, 18th July, requesting me to afford you as particular and full information as may be in my power, relating to the Administration of Justice in the District of Gaspé, numbering my answers in the number of the questions, and affixing my signature to it.

I have the honor to be,  
Gentlemen,  
Your most obedient servant,

(Signed,) ANDREW CASS.

*First.*—There are five Justices of the Peace near the settlement of Percé.

*Second.*—I am no Justice of the Peace.

*Third.*—A deposition is made before a Justice of the Peace, who issues out his warrant, and the parties are brought before him by a Constable.

*Fourth.*—They have not been employed as such, to my knowledge.

*Fifth.*—Yes, it is usual to admit the parties on bail, and no further steps has ever been taken to my knowledge.

*Sixth.*—The same as my second answer.

*Seventh.*—I am not aware.

*Eighth.*—I have no particular facts to answer this question.

*Ninth.*—To my knowledge one, in the Court Hall, Percé.

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*Tenth.*—I am not aware.*Eleventh.*—There have always been a sufficient number of Jurors in attendance to no purpose, consequently, to the great injury of those summoned for that purpose, at that season of the year.*Twelfth.*—I am not aware of any to my knowledge.*Thirteenth.*—The same as my previous answer.*Fourteenth.*—I think not.*Fifteenth.*—Percé is the most central part for the western part of the County, but August is a most inconvenient period of the year for holding General Sessions of the Peace, it being the most precious time of the inhabitants who are all engaged in the fisheries.*Sixteenth.*—The duties of Clerk of the Peace should be performed by an Officer residing in Percé, acting as Crown Officer also.*Seventeenth.*—I don't consider it necessary that the number of Gaols and Court Halls should be increased in the County of Gaspé; but some improvements are necessary to the present Percé Gaol, it being entirely unfit for the purpose intended for, the funds for which cannot be raised in the County or Municipal District.*Eighteenth.*—I state that the present system of Judicature is entirely defective in theory as well as in practice. The personal of the present Court has lost public confidence, and therefore is considered as a nuisance in this District.*Nineteenth.*—I don't think it necessary.*Twentieth.*—I am not aware of the population. Their business are the cod-fishery and farming.*Twenty-first.*—The road from Grand River to Percé distance eighteen miles, is passable for a two-wheel carriage; and from Percé to Point St. Peters, distance fifteen miles, is nothing else but a foot-path.

(Signed,) ANDREW CASS.

The Hon. A. W. Cochran and P. B. Dumoulin,  
Esquire, Commissioners, &c. &c. &c.

No. 23.

*Answers of Mr. Andrew Ferguson.*

Anse à Beaufils, 9th August, 1842.

To A. W. Cochran and P. B. Dumoulin, Esquires,  
Commissioners, &c. &c.

GENTLEMEN,

I have the honor to acknowledge the receipt of your letter, dated Percé, 18th ultimo, transmitting me certain questions to be answered, relating to the Administration of Justice in this District, and further requesting me that I will afford as particular and full information as may be in my power, numbering my answers in the order of the questions, and affixing my signature to it.

I have the honor to be,  
Gentlemen,

Your most obedient servant,

(Signed,) ANDREW FERGUSON.

*First.*—There are seven Justices of the Peace appointed, five have qualified and are acting as such.*Second.*—I am no Justice of the Peace.*Third.*—They are generally brought before the Magistrate who grants a warrant, by a Constable.*Fourth.*—No, not to my knowledge.*Fifth.*—Yes, it is usual for Justices of the Peace to admit the parties on bail in all cases; no further steps were ever taken by the Justices of the Peace against persons who have forfeited their bails or cognizance.*Sixth.*—The same as my second answer.*Seventh.*—This duty is performed with great reluctance by the persons employed.*Eighth.*—I am not aware of any.*Ninth.*—Only one, in 1839, in the Court Hall, Percé.*Tenth.*—I believe the principal cause is the want of a professional man to act as a Chairman, and a Crown Officer or Clerk of the Peace residing in Percé, to prepare Bills of Indictment.*Eleventh.*—There has always been a full attendance of Grand and Petty Juries, to the great inconvenience of them who are generally called, year after year, to serve, while a number of freeholders have not yet been called upon, at any rate very seldom.*Twelfth.*—Yes, in the Session of 1839, held in Percé, some difficulties were experienced by the audacious influence of one of the Barristers of the Court advising some of the Grand Juries to act, to prevent the full concurrence of twelve to bring in a True Bill. I myself was on the Grand Jury.*Thirteenth.*—Through the previous intervention, the parties escaped from justice.*Fourteenth.*—I have no answer to this question.*Fifteenth.*—I think Percé sufficient for this locality, and the Basin of Gaspé for the other portion of the County, and held at a different period, say spring and autumn.*Sixteenth.*—By a Clerk of the Peace acting as Crown Officer, residing in Percé, and paid out of the Provincial chest.*Seventeenth.*—No; I think a Gaol is sufficient in Percé, with some improvements to the present building, for it is totally unfit for the purpose intended for, the funds for which cannot be raised in the County or Municipal District.*Eighteenth.*—The present system is insufficient for the wants of the people; there is a want of confidence in the Judge—his jurisdiction is too high to trust to one man. The remedy would be a Court of Queen's Bench, with two more Judges, one of which would reside at Percé, and to hold a Court of High Criminal Jurisdiction.*Nineteenth.*—I don't think it necessary.*Twentieth.*—I am not aware of the extent of the population. Their business is the cod-fisheries and farming.Appendix  
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*Twenty-second.*—There is a road from Grand River to Percé, for a two-wheel carriage, distance eighteen miles; from Percé to Point St. Peter, a very indifferent foot-path, distance fifteen miles.

(Signed,) ANDREW FARGUSON.

No. 24.

*Answers of John Le Boutillier, Esquire.*

Percé, 27th July, 1842.

GENTLEMEN,

I have the honor to acknowledge the receipt of your communication of the 18th inst., requesting that I would afford as particular and full information as may be in my power to give, on matters connected with the Administration of Justice, in the District of Gaspé, numbering my answers in the order of the questions which you put, and affixing my signature to the whole,—and requesting to be favored with as early a reply as possible, addressed to either of you at Percé, or at Capt. Ahiers, St. George's Cove, Gaspé Bay. I therefore endeavour to do it, in the best manner I am able, and to viz.:

*First Question.*—There are of Justices of the Peace, resident at Percé, viz., myself, Victor Mignault, Esquire, who however, has ceased to act in consequence of being Sub-Sheriff, John Beaker, dt. Blondin, Esquire, and James Lenfesty, Esquire, who has never acted or qualified, so that the said John Beaker, dt. Blondin and myself, are the sole Magistrates, who do act at Percé. There are, it is true, other Justices, North and South of this settlement, viz., two at Cape Cove, whereof one of them is Coroner, three leagues, and two at Mal Bay, and Point St. Peters, distance about five leagues, but for obvious reasons, they attend at Percé, only occasionally for the holding of the General Sessions of the Peace, and not regularly.

*Second.*—I have been called upon so often to act as a Magistrate, during the last three years, that the duty is particularly onerous to me. The nature of the cases have been for felonies, assaults, and batteries, and offences against sundry acts of the Province.

*Third.*—By affidavits, and depositions on oath, information and complaint. The parties are brought by a Constable before the Justice of the Peace, in some instances, and in others partaking of the semi-criminal, they appear on warrant of summons served upon them by Constable or Bailiff.

*Fourth.*—I have never called upon any of them to execute process in any one case.

*Fifth.*—It is usual to discharge persons accused on giving bail to keep the Peace, and it is a fact, that the effect of such a course of proceeding has afforded very little security therefore,—the thing having been viewed all along as a mere matter of form, for no steps whatever, have been taken to prosecute for the recovery of any forfeited securities, that I am aware, or am informed of.

*Sixth.*—Twelve convictions have taken place before me, within the last three years to date—some of them have been enforced, and satisfied, but the most of them being only of recent date, for offences against the Ordinance, 4th Vict. c. 3, they have not yet been enforced. The parties are, as I understand, leagued together for resistance, and some little difficulty in the recovery of those, is anticipated.

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*Seventh.*—It has occasionally been necessary to call upon individuals, to act as Special Constables for executing process, and arresting parties accused; but this mode cannot be depended upon, and in some instances, it has been, and must continue to be a difficult matter to convey them to prison, from the settlements to the North of Percé, I mean Mal Bay, Douglass Town, Gaspé Basin, Grand Grève, Cape Rosier, Fox River, St. Anne des Monts, and Cape Chat, owing to the absence of roads.

*Eighth.*—The means of removing the difficulties that now exist in arresting, securing, and committing persons accused, are in my judgment, the opening of roads connecting together the various settlements on this coast; the appointment of a sufficient number of Justices of the Peace, officers of Militia, and Constables.

*Ninth.*—The General Sessions of the Peace have been held at Percé, only twice during the last three years, viz., in the Court Hall, but they have also been held once or twice during the said period at Douglass Town, in an old building belonging to the representatives of the late Henry Johnston, Esquire.

*Tenth.*—The non-holding of the General Sessions of the Peace, at the regular periods, during the last three years, I ascribe to the very inconvenient periods at which, by the law, they are to be holden, and the absence of a stipendiary Chairman, versed in the law, to preside thereat.

*Eleventh.*—There has been generally, I apprehend, a sufficient number of Jurors summoned, and in attendance at the General Sessions of the Peace when holden.

*Twelfth.*—There has been, I believe, some difficulty experienced in obtaining Bills of Indictment, parties being left to shift for themselves, in procuring them as they best might, and having had to employ Counsel at their own expense. Public Justice has thus been frustrated, for the want of a prosecutor, and perpetrators of crimes have been discharged, and set loose again on society, without receiving the chastisement due to their crimes.

*Thirteenth.*—I know of three instances of old offenders, who escaped both prosecution and conviction after having been arrested, and committed in consequence of the want of a superior tribunal to try criminal matters—the length of time between the terms of the General Sessions of the Peace, and the fact, that there is no one resident in the District, to prosecute for the Crown; and accusers themselves, neglecting to come forward for that purpose, nay, I know of one instance, viz., in 1840, when parties sentenced to be flogged, the Sheriff of the District refused to execute the sentence of the Court, and they were in consequence, discharged without punishment.

*Fourteenth.*—I do think, that it is desirable that the number of Justices of the Peace, and officers of Militia, to serve as Peace officers, should be increased, not only in this settlement, but throughout the whole District of Gaspé.

*Fifteenth.*—It appears to me, that the holding of the General Sessions of the Peace, twice a year in this County, and perhaps once a year at Magdalen Islands, also in the same County, immediately after the Juridical term there, is all that is necessary or desirable. The times and places for the holding of the General Sessions of the Peace in this County, as now fixed by law, are the most inconvenient for the Justices, and Jurors to attend at such Sessions, which being to be held in the same month, viz., at Percé,

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and at Douglass Town, (both places in or about the centre of the County) is as unsatisfactory as it is absurd.

*Sixteenth.*—By the Crown and customary fees,

*Seventeenth.*—I apprehend that the building at Gaspé Basin, of a Court Hall, for the holding of the Circuit Courts, and a Lock-up House, to be used for the safe keeping of persons accused, and under charge of Constable with warrant of commitment to the Percé Gaol, until they could be conveyed thither is of urgent necessity, owing to the growing settlements in and about Gaspé Bay, and the increasing number of shipping resorting there, also a Lock-up House at Magdalen Islands for the same purpose, and a new Gaol or Court House at Percé, in lieu of the present building, which is used as a Gaol and Court Hall, and which is entirely inadequate for both purposes, are, in my judgment all of such buildings, which in the present state of this County are necessary, and desirable. The cost of the whole or any part of these buildings could not well be borne by the people of this County, but I apprehend that the maintenance and safe keeping thereof would be provided for by the Municipal Council of the District in some way or another, the least burthensome to the people, but in what particular manner, I am not prepared to say at the moment. The Country is yet young—is extensive and remote from the Seat of the Government, and unless it should continue to receive a due share of its fostering care, instead of advancing it must retrograde some, particularly after the new Tariff of duties on importation, it bearing more heavily upon Fisheries, than upon any other class of Her Majesty's subjects in these Colonies, in consequence of the greater consumption of heavy dutiable articles, necessary to the prosecution of that valuable branch of national industry.

*Eighteenth.*—Taking into consideration, the rapidly increasing state of the population of the Inferior District of Gaspé, the magnitude of its trade, growing out of the Cod, Whale, Herring, Salmon, Mackerel, Seal and Trout Fisheries, particularly within the County of Gaspé,—the farming, trading, and ship-building interests in the County of Bonaventure, the detached settlements throughout the County of Gaspé, and the absence of a Post line of communication, to connect together the most populous settlements within the same, I do say, that the existing provision by law, established for the Administration of Justice, in the Inferior District of Gaspé, in civil matters, and for bringing to justice, the higher classes of criminal offences committed therein, is altogether insufficient for the due protection of either person or property.

*Nineteenth.*—Because there is only one Judge for the Inferior District of Gaspé—that he resides almost at the upper end thereof, and that he is not independent, but rather an object of pity. With a jurisdiction of one hundred pounds currency, in such hands, or indeed in those of any other individual Judge, however learned, brilliant and impartial he might be, is a trust which the people of this District have abundant cause to shew, is exceedingly dangerous, and objectionable in every respect. Indeed it is so truly the case, that a general conviction prevails amongst the most independent, intelligent, and discerning class of the community throughout the whole of the Inferior District of Gaspé, and particularly so in the County of Gaspé, rather than that such a system should be continued, it would even be better, that the judicature should be altogether withdrawn, and abolished in the District, for the mercantile community would then be more cautious how, and to whom they would give credit, and they, together with the public, would not be so completely

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at the mercy of one individual as they now are, for it is not the system alone that is faulty and ruinous in the extreme—the personal composing the Court is not less so. To the Judge, and a family relative of his practising in his Court, it may be, and is I dare say, a source of wealth and gratification, but it is ruin and death for the people, and in fact it has been the death of at least, two friendless individuals, viz., those of an unfortunate trader, and his servant, as appears by evidence had, before a Committee of the House of Assembly in 1836. That such a deplorable state of things should continue under a Government, the best in christendom, is to be regretted, and must be ascribed to the fact, that it is occasionally imposed upon by those who recommend to office. In 1838, the Grand Jury at Percé, made a Presentment with a view of calling the attention of the Government to some important changes required in the Judicature Act of the District, &c., which Presentment I had the honor to transmit to the Executive, and I now annex to those answers a copy thereof, to which I crave reference.

As to the composition and constitution of the Courts, &c., for the Inferior District of Gaspé, including Magdalen Islands, I humbly submit that they should be remodelled anew, in a manner to restore that confidence and respect without which the object of their institution cannot be attained. I would, therefore, suggest the expediency of appointing a resident Judge for each of the Counties of Bonaventure and Gaspé, *strangers to the District*, and consequently free from that bias originating from relationship, party feeling, friendship or hatred; the one of them to reside at Percé, and the other at New Carlisle, to hold separately a District Court in each County, with a jurisdiction not exceeding twenty-five pounds currency, and the right of appeal, in all cases for sums above ten pounds sterling, to the Superior Court of the District—this Superior Court to be composed of the two County Judges, assisted by either a Judge of the Court of King's Bench, or by the Police Judge, with both civil and criminal jurisdiction unlimited: appeals from this Court to the Court of King's Bench at Quebec, or to the Provincial Court of Appeals there. Appoint a person to Act as District Court Clerk, to reside at Percé, and keep the Records of the District Court there.

For the Inferior Criminal, appoint a Police Judge, or Chairman of Sessions of the Peace, versed in the law, to hold two Sessions of the Peace in each County half yearly, say, at Percé and at New Carlisle. This functionary might also be the Judge or Commissioner for the Magdalen Islands (they forming part of the County of Gaspé) and of the Municipal District of Gaspé, with appeal from his decisions to the Superior Court of Gaspé at Percé, and hold the General Sessions of the Peace there once a-year, should that be deemed necessary—his residence to be at Percé.

For Sheriff, I would recommend for both Counties, the appointment of a person well qualified for the due discharge of the important duties of that high office. This Officer should be bound to appoint a competent Sub-Sheriff in the County wherein he shall not reside. The jurisdiction of each Court not to extend beyond Point Mackerel on either side, and on no account no cases to be transferred from one County to the other—this practice having recently obtained, contrary to law and to the great detriment of suitors in the cause, that I mention it as a matter of great grievance, for which the Provincial Judge is responsible.

Sheriff sales should take place in each County, as near to the property seized as circumstances will

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permit, say, at the most public place, at Percé Gaspé Basin, Grand River and at Amherst Harbour, Magdalen Islands. Advertisements to be in the newspapers most in circulation within the District, and published at the Church door nearest to the property under seizure. Hitherto the present Sheriff has, in some cases, consulted only his convenience, and the dictates or wishes of third parties, in the matter, by selling near his residence and that of his friends (buyers) in the County of Bonaventure, property under seizure in the County of Gaspé. The losses resulting from such an extraordinary practice to both Plaintiff and Defendant, is the cause that I make mention of the startling fact.

As to the times and places for the holding of the Courts in the County of Gaspé, they should be so fixed as not to interfere the least possible with the fisheries, otherwise the Courts would be productive of more harm than good in this County. I shall, therefore, suggest only as to the times and places which, in my judgment, it is essential to fix for Gaspé, viz. :—

At Percé—Superior Courts, Civil and Criminal, 15 days from 5th to 19th August.  
At do. — Do. do. do. 5th to 19th Feb.  
At do. — Inferior District Court, 1st class, from £10 stg., to £25, cy. 10 days, from 1st to 10th May.  
At do. — Do. do. do. 7th to 17th Jan.  
At do. — Do. do. do. 2d class, under £10 stg., 8 days.....12th to 19th May, and 19th to 26th Jan.  
At Gaspé Basin—Circuits, do. do. do., 6 days....1st to 6th March.  
At Grand River—Circuits, do. do. do., 6 days....1st to 6th Dec.  
At Magdalen Islands—Commissioners' Court to be hold by the District or Police Judge of Gaspé, viz. :—  
First class, under £10 stg., to £25 cy., say from 12th to 17th June.  
Second class, under £10 stg., say from..... 19th to 24th June.

Sessions of the Peace for the County, say :  
Five days, from 16th to 20th December, and from 22d to 26th May.

The establishment of a Tariff of Fees for all, should be passed by the Legislature, that suitors might see what they have to pay, and cease to be a prey to such as do, or would take advantage of the partiality and indulgence of a Judge.

*To the twentieth Question.*—Yes ; I know of many facts shewing the insufficiency of the existing system of Judicature for the recovery of debts, &c., and I shall now state some of them, viz. : that of the Judge having, in a most unwarrantable manner, refused his ministry ; that he has repeatedly left his post and the District ; that there is only one Judge for the District, and no recourse against him or his relatives within the District ; the difficulty and delays in suing out Writs of Attachment, &c., by parties residing in this County, there being no one within it, authorized to grant the same ; the shortness of the time allowed for appeals ; the limited jurisdiction for the District, and only one Term for the County of Gaspé ; the want of a Commissioner of Bankrupts for this County ; and the selling of Gaspé lands, under seizure at the Sheriff's Office, at Quebec, where the value of such property is least known, and so on. And I know of cases of sodomy, burglary, and rape, where the parties escaped prosecution, owing to the want of a prosecutor for the Crown, and a tribunal of Superior Criminal Jurisdiction.

*Twenty-first.*—It would be advisable to appoint two High Constables, viz., one for each County—the one to reside at Percé, and the other at New Carlisle with a Police Judge, and Chairman of the Sessions of the Peace for the District, would render the establishment of Police as efficient as need be, for the purposes of the District I think—these appointments should be provided for by fixed salaries, and paid out of the Provincial Revenue.

*Twenty-second.*—The actual population of the Settlement of Percé, is in round numbers, about eight hundred, or upwards of one hundred and twenty heads of families, but during the summer months, upwards of four hundred men resort here from the parishes below Quebec, the Island of Jersey, and the Bay Chaleurs, making the population about twelve hundred in all at Percé, during summer. The pursuits of the resident population are fishing, trading, and a little farming. This mixed population residing very much together, is the cause that Magistrates have more to do here, than they have in any other settlement throughout the Inferior District of Gaspé, and therefore a Stipendiary Magistrate to reside at Percé, is particularly desirable.

*Twenty-third.*—There is between the settlements of Point St. Peters and Grand River, a foot path from the former place to Percé, distance about five leagues,—thence to Grand River, there is a tolerable good horse road, distance about six leagues.

Having now gone over your several questions,

I remain with great respect,  
Gentlemen,  
Your most obedient  
Humble servant,

(Signed,) JOHN LE BOUTILLIER.

To A. W. Cochran and P. B. Dumoulin, Esquires,  
Queen's Commissioners, &c.—Present.

The Grand Jury on their oath present;—That the time fixed by law for the holding of the Courts of Civil and Criminal Jurisdiction in this County, is at a season of the year the most inconvenient for the Inhabitants, inasmuch as they interfere with the fishery, which is the sole dependence of the great bulk of the population of this County. And that the holding of the Courts, the most convenient is, viz. :—

That the growing interest of this County, and the District at large necessitate, an entirely new Judicature Act, affording this District equal advantages with the other Districts of the Province, for obtaining Justice by means of Courts of superior jurisdiction, inasmuch as the Courts both Civil and Criminal sit only once a year, and because the jurisdiction of the District is too extensive for the action of one Judge alone.

That the conveying of records from this County, by water communication, (there being no roads) in order that the same may be deposited at New Carlisle, is highly objectionable, inasmuch as the great danger attending this course is an evil which can be obviated by those records being kept in the Court House at Percé.

That the deplorable want of new roads, and the state of those opened by the application of sundry sums voted by the Legislature, demands the favorable consideration of the present Government, viz., to the peculiar situation of this County in particular. Hardly has it been fostered, than it has been neglected.

The Grand Jury have examined the state of the Gaol, and inquired into the treatment of prisoners, and whilst the Grand Jury have to express their satisfaction as to the treatment which the prisoners receive, it is to be regretted that the Gaol is in an imperfect state, as to the safety, and the health of prisoners. The limited number of Cells and their construction with privies in them, rendering them

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extremely prejudicial to the health of the prisoners, the Gaoler and his family: That the Gaol, in the absence of a yard wall, is totally insecure, affording free access to prisoners; is open to the public and such persons as would favor the escape of criminals—for the trial of whom, the Grand Jury have to lament the want of a competent tribunal in the District.

And the Grand Jury, placing the utmost confidence in your Worships, take leave to request that this, their presentment, may be placed into the hands of John Le Boutillier, Esquire, to be by him transmitted to the proper authorities.

Percé, Grand Jury Room,  
13th August, 1838.

No. 25.

*Answers of P. Winter, Esq., Advocate.*

Percé, 19th August, 1842.

To the Honorable Commissioners appointed to inquire into the Administration of Justice in the Inferior District of Gaspé:

GENTLEMEN,

I have the honor to acknowledge the receipt of your letter, dated the eighteenth day of July last, with a series of questions relative to the Administration of Justice in the District of Gaspé, and other matters connected therewith, requesting as particular and as full information on the subject as may be in my power. Time and circumstances have not permitted me to complete the following answers thereto before this day. They are in the same order as the questions, viz.:

*To the first Question.*—In the Township of Percé, bounded by the inlet of Mal Bay on one side, and the eastern boundary of the Seigniorship of Grand River on the other (distance twenty-one miles) nine Justices of the Peace have been appointed by the last Commission; one of them not knowing how to read or write, and another not wishing to act, and being little better qualified, did not take the oath of office; a third having accepted the charge of Sub-Sheriff, has not acted as Justice of the Peace since last year, but will, I believe, resume the discharge of his duties, having ceased to be Sub-Sheriff; a fourth has accepted the office of Coroner, and as such (although, in some particular, one of the several keepers of the Peace, that is to say, when holding his Court or discharging other duties of Coroner) I apprehend he cannot, in ordinary matters, be reckoned in the category of County Justices of the Peace; being, in some instances, the officer or servant of the General Sessions, to which Court, appeals lie in several cases of the decisions rendered in Special Sessions; *viz.* Burns' Justice, also Dickenson's Justice of the Peace and Quarter Sessions, *verbo* Justice of the Peace and qualifications; still he is acting as Justice of the Peace on all occasions, and, by all accounts, substitutes his will to the law, in a very arbitrary manner. One of my clients knows it well, by a sad experience. However, he, as well as others who, on some occasions, exceed the bounds of their jurisdiction, would be the fittest that can be found, if they were better informed; had they the means of getting better information, they would, I have no doubt, soon acquire a great deal of theory, with the practical knowledge of their duties; a Chairman of Sessions would be a cure to that evil. The remaining five Justices of the Peace of this

Township reside as follows:—two at Percé, one at Bonaventure Island, one at Cape Cove and one at Cape Despair.

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*Second.*—I am not a Justice of the Peace, and therefore cannot answer as such. The cases brought before the Magistracy here are, as elsewhere, generally offences against divers penal Statutes and Fishery Act, assaults and battery, robbery, &c. Offenders under the Road Act and vending liquors without license, are seldom prosecuted, although there are a great many of such offenders. I would venture to say, and that with a great deal of safety, that liquors can be purchased or drunk in one hundred houses throughout the District, and not a single holder of a license!—(For the causes *vid. Thirteenth Answer.*)

*Third.*—When proceedings do take place, they are generally done in the ordinary manner, that is to say, warrants issue upon depositions, and summons upon complaints or informations. Some Justices of the Peace, unacquainted with the law and practice in criminal or semi-criminal matters, proceed according to the dictates of their own mind, and for want of better information, substitute their ideas of right and wrong to both theory and practice, which they are not possessed of; the consequences are, in some instances, arbitrary proceedings and unexampled extent of jurisdiction, such as summary proceedings unauthorized by law, and condemnations to fines or imprisonments, and others mentioned in my answer to the *fifth Question*. Offenders are brought before Justices of the Peace by Constables, and sometimes (but seldom) by the Captain of Militia.

*Fourth.*—They have but seldom been employed as such, or rather the Captain only has been called upon to act twice or thrice to my knowledge. I would assign, as the principal cause of their not being employed as Peace Officers, to the fact that in reality, there is no organization of Militia, and its non-commissioned officers are, for the best part, unknown as such.

*Fifth.*—Justices of the Peace have been in the habit of admitting to bail, persons charged with assault and battery, to appear at the next Sessions, and till then to keep the Peace, that happened at times many months before the term, as by the law now in force, Sessions of the Peace can only be holden in the month of August in each year; and also in cases of petty larceny, (as they were heretofore distinguished) both before and after final incarceration for trial. Those offenders have but very seldom been prosecuted, in consequence of the length of time which elapsed between the date of the Bonds and the next Session, which period was at times protracted beyond one year, in consequence of no Sessions taking place; the prosecutors (not merely for assaults, but other offences) being left to themselves, and having to employ Counsel to make up for the incompetency of the Clerks of the Peace; neglect their own as well as public interest, they lose sight of the matter, so that in those cases, as well as of security, simply to keep the peace, entering into recognizances was a mere matter of form, a mockery; for persons have been known to break the peace several times within the periods fixed in their recognizances, with impunity; and the peaceable inhabitants were not more secure against the Brutality of those, nor less a prey to the dishonest, who were so bound either to keep the peace or to appear. That practice however, as far as common assaults go, will now be at an end, as they may be disposed of in a summary manner, by Statute 4 & 5 V. cap. 27. Still, in no one of the above mentioned cases, although (I believe) numerous, has there been, to my knowledge, during a

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residence of nearly eight years in this District, a single instance of a party or his security being called upon, effectually, to make good their obligations, or of any steps being taken to prosecute for or recover the amount of, forfeited recognizances; that omission must be attributed to the neglect or ignorance of the Clerks of the Peace, whose duty it is to bring them before the Court, and afterwards estreat the same into the King's Bench—that, I apprehend, would be beyond the ordinary routine with which they are acquainted. Justices of the Peace have also, on several occasions, admitted to bail and thereupon discharged from prison, persons charged with high offences, after final incarceration for trial; such as burglary, house-breaking, attempt to perpetrate rape, threats to fire property and to murder, assaults and battery of a grievous nature, &c. It happened but once or twice, to my knowledge, in the County of Bonaventure, where the Provincial Judge resides: but it has oftentimes occurred in the County of Gaspé, where it has, to this date, been an ordinary practice. I am confident that, in the most of those cases, the motives actuating Justices of the Peace was commiseration towards the individuals so charged, founded upon—1st. The great distance and want of communication between Percé and the residence of the Provincial Judge, and therefore the difficulty of obtaining Writs of *Habeas Corpus*; 2d. The length of time (twelve months) between the Sessions, in cases within the jurisdiction of that Court; 3rd. The non-existence of a Court for the trial of high offences; and 4th. The unhealthy state of the two small cells used as, and called here, a Gaol. Other Magistrates received bail or security in such as the last mentioned cases, thinking their authority, as Justices of the Peace, unlimited. In many of the last mentioned cases, offenders have not been prosecuted nor their security troubled about the recognizances which they have entered into. The consequence of such a practice and effect resulting therefrom, must inevitably be encouragement to perpetrators of crime, as they may calculate upon great chances of impunity. It must also be pregnant with demoralization.

*Sixth.*—I cannot state the number within the last three years; and I am dubious whether Justices of the Peace themselves can (generally speaking) give a correct account of all. I have instituted, within the last four months, four prosecutions, and appeared in two other cases, making six, for offences under the Fishery Act (4 & 5 Vict. cap. 36); one against two individuals (under 4 & 5 Vict. cap. 26), for carrying away effects from a wreck and offering the same for sale; and ten under the Ordinance 4th Vict. cap. 3, for refusal to perform certain duties as Township Officers. I obtained fourteen convictions: the dismissal of one in which I appeared for Defendant; and withdrew three actions—making in all eighteen. Seven Convictions against Township Officers are yet unpaid, unexecuted, and the parties seem determined to resist by main force, headed by James Lenfestey, the Justice of the Peace, appointed by the last Commission, and who did not take the oath of office—they have been allowed to remain so since the beginning of June last, in order to give them time to reflect, and also, I believe, for the want of a Constabulary force, or of Militia properly organized to execute the orders and judgments of Justices of the Peace. Several convictions for vending liquors without licence have been obtained a few years ago; they are still unpaid and unexecuted, in all probability for similar reasons—the same individuals are still carrying on the same trade with impunity.

*Seventh.*—I do not know of any instance, but I believe that in a case where the mob or an ignorant

and deluded class would be concerned, it would be difficult.

*Eighth.*—Before and during the last Municipal and Township election of Percé, there were serious threats against such as would attempt to enforce the Ordinances—they were the result of reports spread throughout the County that the people was about to be crushed and rained with taxes, at the instigation of the Warden and myself when acting as District Clerk *pro tempore*, and of such other persons as were disposed to see those Ordinances in operation, and to abide by them. The threats in question would probably have been put to effect, if the Returning Officer (Thomas Moriarty, Esq.) had not been firm and possessing public esteem. And although he threatened some with imprisonment, he would have been at a loss how to get his warrants executed. He in fact ordered a noisy individual to be taken into custody, and not a Constable dared to obey. In the month of May last, a prisoner arrested for an assault and battery escaped from the Constable, (who I believe held him not as he should;) he was not even followed, as the Constable could not obtain assistance from several persons present; no complaint was lodged against those who refused to assist, and the prisoner remained free until such time as he pleased to give himself up, and no fine was added for his escaping. In the month of June last, another individual was charged with a violent assault and battery upon a woman, with threats to shoot her; a warrant was addressed to a Constable who went to arrest him—the offender resisted, took a pitchfork and made at the Constable who was in great danger of being stabbed. No assistance was procured, and the individual in question was allowed quietly to go about since that time, and nothing further took place since that event. Peace Officers are unsupported in the execution of their duty and unprotected—the most of them are ignorant of their duty, rights and authority, and it is useless for them as well as for Justices of the Peace to command assistance. Still no prosecution ever did take place to my knowledge, against Constables for neglect of duty, nor against persons refusing to assist when ordered so to do. Another instance now occurs to my mind, of a Justice of the Peace ordering a number of persons, among whom was a Captain of Militia, to arrest two or three individuals who were fighting on the public road, and causing a great deal of scandal; no one paid the least attention to the order, and the Magistrate had to retire in confusion. The best mode, in my opinion, to remove such difficulties, would be to appoint a Chairman of Sessions, and High Constables (as mentioned in my answers to the 14th and 21st questions), whose business it would be to appoint a sufficient number of well chosen Constables, who should be properly instructed of their duty, and their conduct carefully watched—disobedience to the laws and resistance to the orders of Courts or to those of the Keepers or Conservators of the Peace, should be severely punished at the beginning of the new system of Judicature now so generally expected. That course would soon impose due respect for the law and the constituted authorities, who would cease to be held in contempt in consequence of their weakness. I would also recommend that a Company of Military be stationed part at Percé and part at Gaspé Basin, (where a considerable number of shipping resort to annually,) although they should seldom or never be called upon to act by Justices of the Peace—their presence alone would be a sufficient protection; they, at the same time, would be a means of resisting foreign attacks, with the assistance of the Militia, which might be trained by them. Should, in war time, a vessel come from the enemy along the coast, there being no Militia trained and able to perform the least *manoeuvre*, and not provided with

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one single stand of arms; the whole population would fly, as I am informed they have already done during the last war, even at the sight of a British man-of-war. I consider this coast as one of the most important and well worth protecting.

*Ninth.*—I believe that the Session held this year is the second since three years. They are always held at the Court Hall, which is insufficient for the purpose, there being only three small unfurnished rooms besides the Hall for the Justices to deliberate, Clerk's Office, Sheriff's Office, Grand Jury and Petty Jury. Upon this subject, I beg to call your attention to my answer to the seventeenth question.

*Tenth.*—When Sessions of the Peace were not actually held according to law, as to time and length of terms, it was generally for want of a quorum. Justices of the Peace do not regularly attend, and that I attribute to the circumstance that they feel themselves not sufficiently conversant with the law nor with the practice of holding Courts; and are deprived of the assistance, not only of a Chairman of Sessions, but also of a sufficient, competent, and duly qualified Clerk of the Peace, versed in the law, to aid and inform them in cases of need, he being the only officer, in the absence of a Chairman, to whom they should look for information: anything beyond the most ordinary routine is not within the reach, at present, (he may improve) of the only working Clerk of the Peace; the other is too old to attend to business, and is not better, if as well qualified. The Magistracy, therefore, think it wiser not to attend, rather than expose themselves to commit errors, or to be ridiculed; otherwise I believe that they would most willingly attend to that duty. Another cause, I believe, of their non-attendance, is the knowledge that generally the Clerk of the Peace has seldom any matters in readiness to submit, unless ordered by the Court, or by some individual who guides him and dictates to the officers of this Court, by means of their subserviency to him.

*Eleventh.*—Yes: sometimes too many, in order to make up for a deficiency which might or would have happened, in consequence of the injudicious manner in which they are empanelled, (the Sheriff not having renewed his lists since a number of years) a great number have been repeatedly summoned to attend as Jurors at several consecutive terms in both Counties; hence the numerous defaulters who could not with propriety be fined, having attended at former Sessions.

*Twelfth.*—I cannot state any particular instance, but believe to be the case. The mass of the people here are so backward in point of education, public business, the knowledge of their rights and privileges as Jurors and as British subjects, that here, much more than elsewhere, they would a great deal of information, by means of copious and enlightened charges from the Bench, which the Magistracy, not being assisted by a Chairman possessing legal acquirements, cannot provide them with, they must attend to their own business and avocations; and cannot spare the time which some of that body might usefully employ at the study of the law of the land. Were it otherwise, crime would cease to be looked upon with indifference—Juries would not be so lenient and averse to condemn criminals, and Courts of Justice would be respected.

*Thirteenth.*—I know of several instances, which if not all within the last three years are at least within the last five years.—1st. Two individuals were charged with burglary and arrested; one of them was admitted to bail by the Provincial Judge, upon a Writ of *Habeas Corpus*, although the deposition was strong and severe, and, I believe,

without affidavits to attenuate the charge, the offender left the Province, and no more was heard of him nor of the recognizance, which at least, should have been declared forfeited, and the amount thereof recovered. The other individual was sent to Quebec, in order to stand his trial, and I know not what has become of him since; his trial did not take place, for the witnesses were not called upon to attend. 2d. An individual of some standing in society was charged with the crime of sodomy; he was allowed to go about free for some time after, and finally left the Province publicly, and without molestation, for the want, I believe, of a Stipendiary Magistrate, whose business it would have been not to allow the perpetration of crime with so demoralizing impunity. A certain Barrister of this District, who is also an M.P.P., could give a good deal of information on the subject, for he is generally said to have assisted the accused in the performance of his *exit*, by advancing money for and in consideration of a transfer of debts or authority to collect the same. 3d. Another offender charged with house-breaking and robbery in a store, was bailed and discharged from prison, where he had been finally committed for trial; one of our Justices of the Peace did the business, dispensing thereby the suing out of a writ of *Habeas Corpus*. I know not whether he was heard of since, and his security have remained untroubled to this day. 4th. Another, for threats to burn a merchant's buildings and stores, and also to destroy Cattle, and some other serious offence, was committed to the Gaol of Percé, with strong recommendations by several Justices of the Peace that the prisoner be transferred to the Gaol of New Carlisle, in consequence of the insufficiency of the Gaol of Percé for the safe keeping of such a dangerous and wicked offender. That man was discharged from prison by one or two Justices of the Peace upon giving security, and thus was saved the trouble of suing out a writ of *Habeas Corpus*, and of producing affidavits to attenuate the alleged crimes. He has since disappeared, and was reported, whether with truth or not, to have since died.—5th. About two years ago, a barrel of oil was stolen from a house in Percé: the robber was arrested, and the matter was settled by the Justice of the Peace who had issued the warrant; the value of the article stolen was paid to him, and afterwards handed to the owner, who for fear of appearing rude to His Worship, accepted the money, but upon being told afterwards that he might be prosecuted for compounding felony, he stated his case to the Clerks of the Peace, intimating that he did not wish to screen a criminal, and was ready to bring forward evidence if called upon. No Bench Warrant was issued, no indictment was preferred, and the matter remained so. This information I have received from the owner himself, who at the time urged me to take his case and prosecute, but being unable to pay a fee, I directed him to call upon the Clerks of the Peace to do the needful as required by law.—6th. An attempt to commit rape, which was settled by the parties as a common assault, between the parties.—7th. In the County of Bonaventure, a man charged as the last mentioned, was liberated from New Carlisle Gaol, after commitment for trial, by one Justice of the Peace.—8th. In the same County, another individual charged as the two last being brought up on a writ of *Habeas Corpus*, was immediately discharged and liberated by the Provincial Judge, without security, upon the offender's own affidavit alone, denying or otherwise contradicting the charge preferred against him, and without a notice to the prosecutor (in the absence of Counsel for the Crown)—the man left the Province, shortly after being discharged. Other, but minor offenders, and in great numbers, have escaped both prosecution and conviction, that is to say, Inspectors and Overseers of Highways, not being compelled by

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prosecutions to discharge their duties, are careless, and negligent; and many of the Inhabitants who are accustomed not to be made to work upon the Highways, have often either refused directly, or neglected to comply with the order when given, or to do it partially, to the great inconvenience of all; those officers do not know how to act, when disposed so to do, and the Justices of the Peace cannot assist them, for truly it is difficult for them to neglect their own business; they would willingly sit as Justices, but they cannot make the sacrifice of all the time it would require to act in the treble capacity of Justice, Clerk and Counsel, hence the neglect of public business—the same remark applies to the following: Persons selling liquors without license are numerous in both Counties—so much so, that I believe them to exceed a hundred, and not a single license taken; and they are but very seldom prosecuted, and, when convicted, are not forced to pay—so that they continue their trade with perfect safety. Generally speaking, all offenders against penal statutes are untroubled, in consequence of the weakness and insufficiency of our system of Police, if it may be so called. Such an unhappy state of things would cease, by the appointment of a Stipendiary or Police Magistrate, and a Clerk of the Peace for each County or Municipal District, as recommended in some other part of these answers. In this remote part of the Province, Municipal Councils should, in my opinion, be authorized by law to grant licenses, and receive the profits arising therefrom, as also all fines levied within the District: then it would be their interest not to allow disobedience to the law.

*Fourteenth.*—I do not think it desirable that the number of Justices of the Peace for Percé be increased; in other parts, such as Pabos or New Port, Grand River, Gaspé Basin and Ste. Anne des Monts, one at each place might be of use: but I would strongly recommend, as the best remedy to the evils arising from the insufficiency of the Magistracy, Police, &c., would be the appointment mentioned in the foregoing answer, of an efficient Stipendiary or Police Magistrate, who would act as Chairman of Sessions, well versed in the law, that is to say, a Barrister or Advocate, for each County or Municipal District; they would often meet with the other Magistrates to transact business of various kinds, as sitting in Sessions, special or general, in the making of Rules and Regulations of Police, and other matters, by which means they (I mean the present Justices of the Peace) would acquire both theory and the practical part of their duty. The reasons assigned under the *Skatenth* and *Twenty-first Questions*, for the appointment of two Clerks and two High Constables for the whole District, are the same under this question for the appointment of two Stipendiary Magistrates. The Counties are so divided by nature, that the inhabitants of one cannot be made amenable to a tribunal situate in the other; but, in order to economize public monies, and as an inducement for Government to approve of this proposal, I would suggest the propriety of appointing the same persons to form part of the superior tribunals, both civil and criminal, mentioned under the *Eighteenth* and *Nineteenth Questions*. An increase in the number of Militia Officers is, in my opinion, very desirable, particularly about the settlement of Percé, the population whereof, including Whitehead, could be divided into at least two, if not three Companies, which increase, if made of useful men, would be an acquisition worthy of notice, as conservators of the peace and assistance to the Magistracy. And I dare say that if Militia should hereafter be better organized, the stationing of Military might be dispensed with. As to Stipendiary Magistrates, should only one be allowed for the whole District, comprehending the two Counties, I think

that he should reside at Percé, because of the great number of strangers resorting to the County of Gaspé, rendering a better organization of Police more necessary than in the County of Bonaventure, where the population is quiet and not fluctuating or suddenly augmenting or diminished.

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*Fifteenth.*—Two Sessions of the Peace are appointed to be holden each year in this County, and both in the month of August—one at Percé, and the other at Douglstown. I am of opinion—1st, That both General Sessions of the Peace should be held at Percé, because it is the chief place of the County, and that *there* is the Gaol: it seems to me ridiculous that prisoners should be taken from the Gaol, to be tried at twenty-four miles therefrom by water, and thirty miles by land, and that, too, in a place where not even a lock-up house could be found to secure them. I do not know that it has happened, but if not, it is no doubt in consequence of the short space of time between the Sessions. 2d. That the Terms should be half-yearly, and at such periods as would not interfere with the fisheries. The Magdalen Islands form part of the County of Gaspé, and should therefore have its share of Judicature; a General Session of the Peace would be beneficial after the holding of the Civil Court there. In the County of Bonaventure, also, a Session is by law appointed to be holden at Carleton, being at fifty-one miles distance from the Gaol of that County. I should think it advisable, for the above reason, to do away with that Session, leaving two terms half-yearly at New Carlisle.

*Sixteenth.*—As the fees of that office, together with the small salary attached thereto, would not be a sufficient incitement for competent persons to accept of it for either of the two Counties, and as the want of a resident Clerk of the Peace in this County has been severely felt, I would propose, for each of the Counties or Municipal Districts of Gaspé and Bonaventure, that the offices of Clerk of the several Courts to be hereafter established in this District be joined in one person—that is to say, of the Superior Court of K. B. or C. P. (as the case may be), of the District Court and of the Peace, in the same manner as the present persons in office are both Prothonotary and Clerk of the Peace. The salaries allowed in other parts of the Province, to the several officers performing the above duties, might be equally divided between the two Clerks above-mentioned, and each to have their respective fees of office.

*Seventeenth.*—The subject matter of this question has been taken into consideration on several occasions and opinions thereupon expressed to Her Majesty's Provincial Government by the most respectable authorities in the District, to which I beg to refer, that is to say, a presentment of the Grand Jury of Percé, in the year 1838, shewing the insufficiency of the building used as a Gaol and Court Hall, and the following documents despatched since January last, to wit:—1st. A Memorial to His Excellency the Governor General by a number of Justices of the Peace of this County on the same subject. 2d. A letter from a corresponding Committee appointed at a public meeting, addressed to Robert Christie, Esquire, M. P. P. for Gaspé; which letter was forwarded by that gentleman, who himself wrote on the subject to the Hon. D. Daly, Secretary.—3rd. The following Resolution of the Municipal Council of Gaspé: "Resolved—That inasmuch as the County Gaol of Percé is not completed, finished and furnished, pursuant to the Ordinance 4th Victoria, cap. 20, the said Gaol being utterly inadequate for the purposes it was intended, the Council would ill discharge their duty to the public were they to accept and take charge thereof in the state it now is, in the event of the District of Gaspé being

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erected into a Judicial District. Further that this Resolution be communicated to the Executive of this Province by the Warden." I apprehend that the above mentioned documents would of themselves be sufficient evidence, to shew that the present building would be disproportionate to the requirements of a new and more extensive system of Judicature than the present, such for instance as was contemplated by the Legislator who framed the Ordinances 4th Victoria, cap. 43, 45, (Judicature) and cap. 20, for the erection of Gaols and Court Houses, which all depended upon one another, and linked with the Municipal and Registry Ordinances. But in addition to the mass of evidence above alluded to, the Commission of Inquiry have visited the whole building, and cannot but be convinced. I therefore consider the building of a Gaol or Court House at Percé, as a matter of urgent and indispensable necessity. It might be built contiguous to the above mentioned building, but as the lot of ground there belonging is small, I would rather recommend that it be built separate, upon another lot of ground which could be purchased for a small amount. Also, a Lock-up House and Court Hall at Gaspé Basin, or at such place in that quarter as will be appointed for the holding of a Circuit Court, and a Court Hall at Grand River, if also that place is appointed for a Circuit. At Magdalen Islands, in the County of Gaspé, a temporary Gaol and a Court Hall are also requisite, as Courts are to be holden there.

Some doubts seem to be entertained by Her Majesty's Provincial Government upon the question whether the Ordinance 4th Victoria, cap. 20, comprehends the County or District of Gaspé. Having referred to the enactments of that Ordinance, and to the 93d and 95th sections of the District Court Act (4th and 5th Vict., cap. 20) I feel confident that the object of that Ordinance was to provide for the erection of Court Houses and Gaols, or either, as the case might be, in all the parts of the Province to which a new system of Judicature was about to be extended, and in such a manner as would be suitable to the putting in operation of that new system. The County and the whole District of Gaspé is included with the other parts of the Province in the Ordinances 4th Victoria, cap. 43 and 45, as Territorial Division, No. 5; also by the District Court Act (4 and 5 V. c. 20, sec. 93). Now the building used at Percé as Gaol and Court Hall, has long since been represented as insufficient under the old system; how then could it be suitable either under the Territorial Division or District Courts, or under any other appropriate system of Judicature hereafter to be introduced. "A good and substantial Court House or a Gaol (as the case may be) with proper offices and appurtenances" (Ord. 4th Vict. c. 20, sec. 8) will then be required;—that which we have is not a "good and substantial Gaol and Court House," but merely a weak building, containing two small cells and Gaoler's apartments, with a large room or Court Hall above it, and no "proper offices and appurtenances." Percé being the chief place of the County and Municipal District of Gaspé, where Courts, both Superior and Inferior, Civil and Criminal, will be holden, should have a "Court House with proper offices and appurtenances." The fact is that we have not a Court House, which, coupled with the object of the Ordinance, as expressed in the preamble, brings the County of Gaspé within the meaning thereof, as the District Court Act (section 93) may be extended to the District of Gaspé as soon as the Ordinance, to make new territorial divisions of the Province shall be in force—so that I would not consider it necessary to recommend any special enactments on the subject, except such as would be necessary to bring the Ordinance within the scope of any future Judicature Act to be

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passed for Gaspé, if the District Court Act should not be extended to Gaspé, by being otherwise provided for. If we are then to consider that we have a Gaol and no "Court House, with proper offices, &c." again the present building must be condemned as insufficient for a Gaol—leaving, therefore, the present building used at Percé as Gaol and Court Hall for the sole purpose for which it would be sufficient, to wit, a Court House, for the holding of Courts of Superior and Inferior Jurisdiction, both civil and criminal, to be divided as follows:—Court Hall, Judge's Chamber, Clerks Office, Sheriff's Office, Grand and Petty Jury-Rooms, and two or three apartments for the guardian of the building and offices. A sum of one thousand pounds, currency, was voted by Stat. 48, Geo. III., c. 35, to build a Gaol at Percé, but nothing was done under that Statute, and of course the money was never paid nor expended. By 7th Geo. IV., c. 15th, one thousand pounds was voted and expended in the purchase and altering of the present Gaol and Court Hall. That sum is all that ever was paid for that purpose, whilst the County of Bonaventure obtained a sufficient Gaol, &c., which cost four thousand one hundred pounds, cy. l. The expenses to be incurred in erecting such a building ought, I believe, to be taken from the fifty thousand pounds voted by the Ordinance, or if not, out of the unappropriated funds of the Province; because, as it is stated in the preamble of the Ordinance, as Gaols, &c., have been erected in other parts of the Province, and expenses thereof defrayed out of the public revenue, it is not expedient, for the present, to have recourse to local taxation, &c., or something to that effect, but when "completed, finished and furnished," pursuant to the Ordinance, such buildings shall have to be maintained and repaired, as in other parts of the Province, by the local authorities. I am not prepared to say how that part will be provided for in the absence of a circulating medium. I apprehend that the intervention of the Legislature will be required, either to authorize the Council to impose a limited duty, to be collected at the Customs, upon exportations of fish, &c., or adopt some other mode of indirect taxation, in order to raise a fund to defray the expenses of the Council, to provide for Schools, the maintenance of the Gaol, &c.

*Eighteenth, Nineteenth & Twentieth.*—In order to save you the trouble of going through a repetition of the grievances complained of in relation to the Administration and Judicature (Superior and Inferior) in civil matters, and also to higher classes of criminal, I beg to state that having had communication of John Le Boutillier, Esquire's answers to the *Eighteenth, Nineteenth & Twentieth Questions*, I coincide with him, save and except the following additions and a few slight exceptions, which I do not, however, mean as oppositions to his proposals, but merely as new and further suggestions. I have given that subject all the attention that I was capable of, according to the time which I have been able to spare since the reception of your questions, and consulted with others, and I have come to the conclusion that the following plan of Judicature is the best and the only one suitable to the wants, commercial interests, and increase of population. At least such is my opinion. The District of Gaspé ought to be placed upon the same footing as other Districts in this Province, because of its extensive trade, and above all, its inhabitants are British subjects. A sufficiently extensive administration of justice or judicature, in fact as much so as in any other part of the Province, may be put in operation here, with one half of the expense, nay, much less than is required elsewhere. I would class the different tribunals in the following order, that is to say:—1st. A Court of Superior Jurisdiction, both Civil and Criminal, to be called and distinguished by the same name and style as

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other similar Courts of the Province, King's Bench, Queen's Bench, or Common Pleas, as the case may be hereafter; that Court to be composed of four Judges, two of whom shall be a quorum, with a salary not less nor exceeding five hundred pounds each, for all the duties to be performed by any or each of them, as hereinafter mentioned—its powers and authority should be the same as those of other similar Courts of *premiere instance*—and to take cognizance of all matters cognizable in the present Superior Courts aforesaid, above twenty pounds sterling—and also of appeals (within each County) from the decisions of the Inferior Courts hereafter mentioned. If that Court should be composed of the two District Judges and a Judge of the King's Bench, as others have suggested, a Superior Term could not be had in winter, whereas if the tribunal was composed of persons residing within the District, the most proper times might be chosen. 2nd. Two District Courts, one for each County or Municipal District. The Magdalen Islands belong to and form part of the County and Municipal District of Gaspé; therefore, a term of the Inferior District Court of Gaspé should be held there in lieu of the Commissioner's Court, under Statute 4th and 5th Victoria, cap. 22, either by the District Judge of this County, or by the Stipendiary Magistrate and Session of the Peace, to be held by one of the above Judges, to be called as in other parts of the Province, "District Judges;" the jurisdiction of this Court to be twenty pounds sterling and no more—with appeals to the above-mentioned Superior Court, in all cases of £10 sterling and above; that Court to be divided into two classes: 1st class, for all cases of ten pounds sterling and above, admitting of appeal; 2nd class, for all cases in which there shall be no appeal, to wit: under ten pounds sterling—District Judge not to sit in Superior Court upon appeals from his Court. My reason for making the 2nd class Court as high as ten pounds in lieu of six pounds five shillings currency, as by District Court Act, is, that I think it best that all cases appealable and all those that will not be so, be heard and determined separately, proceedings as to evidence being different, that is a better line of distinction; besides, there should be more terms under than for over ten pounds. I conceive that with the above and following exceptions, the provisions or enactments of the District Court Act (4th and 5th Victoria, cap. 20), might be extended to this District, including Magdalen Islands—the appeals from the latter to be heard and determined in and by the abovementioned Superior Court of Gaspé. Writs of Attachment against moveable property should issue, not only for ten pounds currency as by law provided, but for all sums exceeding forty shillings, as also Writs of *Capias ad respondendum* for ten pounds sterling, and above, to twenty pounds sterling, returnable in the Inferior District Court. I think that desirable, because of the facility afforded to fraudulent debtors to escape in vessels daily leaving this District, and in the upper part of the Bay des Chaleurs, by merely crossing the River Ristigouche. Inferior District Courts are not allowed to take cognizance of returns of *Capias ad respondendum* (16th section); it may be good in Quebec where Inferior Courts often sit, but here it can only once or twice a year in each County. If *Arrêt Simple* and *Arrêt entiere main avant jugement* could issue for all sums exceeding forty shillings, the resident population and mercantile class would not be exposed to loss, as they are, by the sudden departure of the numerous strangers who resort to this for the purposes of fishery. Such Writs and also *Saisie Gagerie* and *Revendication* should issue without the Judge's fiat, merely upon the affidavit required by law, sworn to before the Judge, Clerk or Commissioner, upon presentation thereof to the Clerk, with *pro-*

*cipe*. All Writs of *Capias*, whether under or exceeding twenty pounds sterling, to be executed by the Sheriffs, and returned into the respective Courts who shall have jurisdiction over the same. Executions in cases of 1st class (exceeding ten pounds sterling) to issue after 15 days, and of the 2d class after ten days, and sooner in both cases upon affidavit that the party condemned is about to leave or is doing away with his goods and chattels to defraud his creditors. That *Saisie Arrêt entiere main* may issue in execution of judgments against all sums of money, rents, effects, &c., held by third persons as hitherto in other Courts. The 21st section of the above Act, enacts that upon judgments exceeding ten pounds sterling, Superior Courts may cause the record to be removed, &c., to sue out execution against immovables. I apprehend that in such cases the District Court should issue Writs to the Sheriffs who would act under its authority: but that in cases wherein the net sum levied shall exceed twenty pounds sterling, and in which a distribution of such larger sums shall be required, then the record may be removed, because it would exceed the jurisdiction of the Inferior Court. I cannot but say that the Court would not exceed its jurisdiction by ordering the Plaintiff to be paid twenty pounds out of fifty, and that the remainder be returned to the Defendant. As amendment to the 24th, 25th, 26th and 27th sections of the District Court Act (as far as Gaspé is concerned), I would suggest that, as appeals would take place here, in all cases above ten pounds sterling—1st. Evidence should be received *viva voce* only in cases under that sum; 2d. Appeals to the Superior Court of this District, and to be heard within the same County; 3d. That notice of appeal be within the time prefixed for execution (15 days), and security for principal, interest and costs, within the same time, except absent, insane, minors, &c. who might be allowed a further reasonable time without prejudice to the right of suing out execution at the expiration of fifteen days; 4th. Notice to Respondent or Attorney later in proportion. Order to *écrire et produire* in all special cases, whether over or under ten pounds, and also to file declaration, at the discretion of the Judge. All the present Courts within the District to be abolished, and also the Acts, Laws, &c. repugnant to the new system. All registers, books, papers, records, &c., and causes pending now deposited in the Prothonotary's Office, to be remitted to the respective Clerks of each County, that is to say, Clerks of the Peace and of Civil Courts, and all cases pending to be heard and determined by and before the several new Courts in each County. No cause, action or proceeding whatsoever to be transferred from one County to the other except upon Commissions in the nature of *Commissions Rogatoire*, or orders of the Superior Court for the hearing of witnesses who shall not reside within the County wherein the action shall have originated,—I say "orders of the Superior Court," because that Court being composed of the same Judges in both Counties, need not issue such a Commission to itself in another County, but merely order the reception of evidence there. The Registers of the Gaspé Land Claims are now deposited as follows—one Duplicate in the Executive Council Office, and the other in the Prothonotary's Office at New Carlisle, a distance from the westernmost part of this County of about 225 miles, from Gaspé Basin 105 miles, and from Percé 75 miles, along a dangerous coast, and without a road upon the most part: all deeds passed before Justices acting (in the absence of Notaries) in the capacity of Notaries, are also deposited at New Carlisle, in the Prothonotary's Office, so that, until this period, those registers, deeds, &c., in fact, all documents in any manner concerning landed property in the County of Gaspé are deposited almost beyond the reach of

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its inhabitants; hence the necessity to extend the term prefixed by law for the registering of deeds in this District (wherein the Registry Office could only be opened in the month of July last), in consequence of the difficulty of obtaining copies of deeds, or extracts of the said Registers of Land Claims. Those registers, deeds, &c. will, under a new system of judicature, have to be disposed of. I would therefore suggest the propriety of depositing them in the respective Registry Offices of each County,—and for that purpose, that the Registrar of this County of Gaspé be furnished with blank registers in order that he may take an exact copy of the Registers of Land Claims, to be kept in his office, for which duty he should receive the ordinary price allowed for copying. Terms and places of holding the several Courts to be fixed by the Statute. As amendment to the 45th and 46th sections of the said District Court Act, I would, for this part of the Province, propose that the District Court Clerk do attend the Circuits or Division Courts, or appoint and send a deputy in his stead, with the approval of the Judge—that is, in consequence of the difficulty to find at each place a person qualified to be Division Court Clerk. 47th section I have already mentioned the Judge's salary. 48th, 49th and 50th sections, and others concerning Division Court Clerks, to be applicable to the District Court Clerk. 58th section is applicable, except the amount, to be under ten pounds sterling, and in all sections adverting to the amount of jurisdiction, instead of six pounds five shillings currency, to be under ten pounds sterling. To 71st and 72d sections, penalty to be adjudged upon a rule to show cause. To 75th section—delay not exceeding three months, by instalments, at the discretion of the Judge. Notices Appeals from Magdalen Islands will, in consequence of the distance and difficulty of communicating, require a longer delay. The Court there to be held by either the District Judge or the Stipendiary or Police Magistrate for the County of Gaspé. General Sessions of the Peace there, also after Civil Courts. The two District Judges, being also Judges of the Superior Court, to have, out of Tern, all the powers and authority as to Writs of *Habeas Corpus*, &c., also trials by Jury in either Superior or Inferior Courts, as per Ordinance 25th Geo. III, cap. 2, in all cases not being less than ten pounds sterling, of a commercial nature, or damages for wrongs done or alleged. The two other Judges of the Superior Court, to be Chairmen of General Sessions and Police Magistrates, as suggested under the *Fourteenth Question*, and each to reside in either one or the other of the Counties of Bonaventure, as well as the District Judges, say, at Percé and New Carlisle, and to have no further salary or emoluments for the performance of all duties both civil and criminal, than the sum of five hundred pounds mentioned in the first part of this answer, except the reasonable travelling expenses of the Judge or Judges who shall hold the Courts at the Magdalen Islands. The salaries of the Judges, Clerks, Sheriffs, &c. would not exceed the amount of revenue collected by means of the direct and indirect (via Quebec and Montreal) importations from abroad, in the County of Gaspé alone, and if the matter was inquired into, it would be found that these two Counties have paid to the Provincial Chest, since the year 1793, from fifty to sixty thousand pounds more than they have received therefrom. The augmentation in salaries would be only thirteen hundred for the Judges' and High Constables' salaries—as, in the present circumstances of the District, no part of the Judges' salaries could be well borne by the suitors, as a cheap mode of administering justice to the people is highly requisite, particularly in this part of the Province, where they have already so much suffered by its misadministration. The sending of a Judge from Quebec

to sit in the Superior Court would be objectionable, inasmuch as in that case, such Court could only be had in the summer season, and perhaps deprive our District of the appointment of two Police Magistrates. Should it be that the Province could not absolutely be charged with the payment of the Judges' salaries, I would rather recommend for that purpose, as the easiest mode to provide therefor, as well as for Schools, support of Gaol, expenses of Council, a duty of a limited proportion, *per centum ad valorem* upon all exportations of fish, oil, &c. but that I would only recommend rather than be refused a due share of justice.

Sheriff's sales of immoveable property to take place within each County and as near to the property as circumstances will permit; say, at Percé and Gaspé Basin for all lands nearest thereto, in the County of Gaspé—and at New Carlisle (Court Hall) and at the nearest Church doors elsewhere, say Carlton and New Richmond, by a Deputy there to reside, under warrants of the Sheriff, to save the expenses of mileage. Advertisements to be made in the ordinary form, but published in the Papers most circulated within the District, say Neilson's English Quebec Gazette and *The Canadien* for the French; and also at the nearest Church door of public place.

The terms of each Court:—I would suggest the following times of periods for the County of Gaspé; being calculated so as to interfere the least with the fisheries, it being in my opinion, a matter of little importance in the County of Bonaventure, whether Courts are to be holden in some or other months, the intervals will be found amply sufficient to arrange the terms in that County, for the convenience of both the Judges, who shall have to attend at the Superior Courts in both Counties, and of Suitors. Some of the terms for this County, may perhaps not suit the convenience of practitioners who may reside in the other County, that is only private interest—public convenience may be better suited in this manner; therefore, that is the principle point for the guidance of Legislators. It may be said that summer is the season at which fishermen have the most of means to pay—then allow them that time to make their payments, and if they do not do so, it will afterwards be time to sue—if some presume to take advantage of the non-existence of Courts in Summer, to do away with their fish with a view to defraud their creditors, an *Arrêt Simple* or *Arrêt entiere main* may issue for any sum exceeding forty shilling, if that part, which I have suggested, page 17 of these answers, be approved of and adopted. The fishing season here, from beginning to end, is as precious and more so, than harvest time elsewhere, and every summer term particularly in this County, is a heavy tax of hundreds of pounds upon the people, by taking away from the fisheries, a great number of Suitors, (Plaintiffs and Defendants) witnesses, jurors, &c., besides the ruinous taxation of witnesses, which in the fishing season must be at least quadruple the amount which would be allowed to that and to the long mileages of Bailiffs, I attribute the ruinous costs of suit—not so much for the amount of one shilling a mile allowed here, which I do not consider to be more than reasonable, in this District, where travelling is so costly and difficult, but it is the number of Bailiffs which ought to have been increased, so as to have some in every principal settlement—that has been neglected by the Court and Sheriff, although often suggested. Before closing this answer by a *tableau* or Table of terms, I beg to add, that for the reasons alleged when speaking of the the Judges' salary, I would erase the Judges' fee fund from the tariff annexed to the District Court Act. The people here cannot support a charge of

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that nature in the absence of a circulating medium, Money is but seldom seen here, all transactions are made by means of barter, and it would not do to offer for the Judge fish or oil for his salary. As to Superior Courts and Inferior, both first and second class in civil matters as well as in all police or criminal matters, the same persons performing the several duties, I would think it best that the Judges' fund be the general fund of the Province—besides, it is the best means of preserving their independence.—As to the tariff of Superior Courts, the Rules of Practice thereof and the right of appeal therefrom, I apprehend that it should be the same as in other parts of the Province, except that such Courts might be authorized to deviate from the rules adopted by other Courts, in so far as circumstances would render the same inapplicable to the proceedings necessitated in this part, by adopting such other rules as would not be repugnant to law—and that the

delay prefixed for suing out a Writ of Appeal, be extended in proportion to the distance from this District to Quebec, where the Provincial Court of Appeals by law holds its sittings. To Courts of Superior jurisdiction for this District, I have applied no particular name or style to distinguish them, not knowing which of the *present King's Bench* or the *future Common Pleas*. I believe that Gaspé will consider it a matter of indifference whether it is one or the other—the only observation to be made on this subject, is that our Courts should bear the same name and style as other similar Courts in the part heretofore called Lower Canada; so that this part may not be omitted or forgotten in Legislative proceedings as it has heretofore been the case. Here follow the *tableau* of terms, for the County of Gaspé. As to District Courts and General Sessions of the Peace, and for both Counties as to Superior Courts, all the days therein mentioned are to be included :

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	Jun.	Feb.	March	April	May	June	July	Aug	Sept.	Oct.	Nov.	Dec.
Superior Court, Civil, at Percé.....		5 to 14						5 to 14				
" " Criminal, do.....		15 to 19						15 to 19				
" " Civil, at New Carlisle.....			5 to 14						5 to 14			
" " Criminal, do.....			15 to 19						15 to 19			
<i>County of Gaspé.</i>												
Inferior District Court, 1st Class (£10 stg. } and upwards), at Percé.....	13 to 22				13 to 22							
Do. do., 2d do., under £10 stg.—at Percé	24 to 31				24 to 31							
Grand River—2d Class, Circuit or Division } Court.....	3 to 8						6 to 11					
Gaspé Basin—2d Class, do. do.....												
Magdalen Islands—District Courts, 1st Class						12 to 17						
" " 2d Class.....						19 24						
" " General Sessions of Peace						25 30						
General Sessions of the Peace at Percé.....					7 to 11							16-20

*To the twenty-first Question*—I think that a High Constable being appointed in each County, would, together with the Chairman of Sessions of each County, be sufficient to organize an efficient constabulary force, and thereby dispense with either or both rural Police and the stationing of Military (as a means to keep the peace), recommended in my answer to the *eighth* question. But in order, or with a view to induce a qualified person to accept that office, and as neither that nor the Sheriffship for one County could be sufficient to realize a respectable living, the two offices of Sheriff and High Constable might be united in one person for each County, who should receive one-half of the salaries attached to those offices in other parts of the Province, so that, in this case, although two nominations would take place, one salary only would be payable for each office—as two Coroners for the whole District, still one salary only is paid and divided between the two. I have suggested the same thing for the appointment of Clerks of the different Courts, under the *sixteenth* question. The reason is, that the two Counties are absolutely divided by nature and the want of improvement, so that one officer cannot properly discharge the duties of his office for both Counties; hence the necessity, in my opinion, of appointing one person to several offices, each of which would not yield such an income as could enable qualified and respectable individuals to live upon.

*Twenty-second.*—It is impossible for me to answer this question with correctness. The Census has not yet been made in any part of this Municipal District, and I do not think that it will be effected until a person shall be appointed expressly for the purpose, by means of an amendment to the Act 4th & 5th Vict. cap. 42, there being but two or three Townships wherein Assessors are qualified to perform that duty.

*Twenty-third.*—From Grand River to Percé, there is a tolerable good road for wheel Vehicles. From Percé to Point St. Peters, about 14 miles distance, is but a mere foot path, in some parts almost impracticable, so that Travellers and Her Majesty's Cou-

rier have to watch the tide, to pass along a very rugged shore. The most important part of this County, that is to say, the distance between the trading settlements of Grand River, of Cape Cove, of Percé, and Gaspé Basin, the only safe and very important Port in this County, seems to have been entirely forgotten or overlooked, for if any part of the County had a claim to a vote of money from the Legislature for roads, it was most undoubtedly that part.

*To the Supplementary Question.*

I have abandoned a practice sufficient to procure a comfortable living to my family, in consequence of disgust and want of confidence, not merely caused by the system, which certainly requires a great deal of reform, but principally by each and every part of the personal administering the same. I have often advised clients, upon being consulted, to settle matters, even if necessary with the sacrifice of some rights, rather than go before the present Court. I got thanks for so much frankness and sometimes a fee for advice, but thereby lost many a case, which I do not regret. I have preferred leaving debts due me, which are yet outstanding, for want of confidence as aforesaid, after having made one or two sad experiments in cases wherein I was a party. I have known a number of persons, who for the same reasons have not sued and as yet do not sue for a number of outstanding debts, rather than run the risks to which they are exposed. I might, if authorized by the parties, cite names, but do not consider it prudent to name persons, unless specially interrogated to that effect. In Percé, I know two persons who are trading to a considerable amount, who do not sue unless they are sure of a confession of judgment, or unless the sum exceeds £20 sterling, so that they may appeal in case of dissatisfaction.

The above answers, although dated of the nineteenth are only completed at this moment, and I am so pressed by the courier who is now waiting for me, that I am unable to read them over and correct the latter part, in which there may be some error in diction for which I have to apologize. I have an-

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answered the questions as correctly as laid in my power, and I can safely say, that they do not contain a single sentence which cannot be substantiated.

I have the honor to be,  
Gentlemen,  
Your most obedient,  
humble servant,

(Signed) P. WINTER, *Advocate.*

Percé, 22d August 1842.

No. 26.

*Answers of the Reverend Mr. O'Grady.*

To the Honorable the Gentlemen Commissioners of the Gaspé Inquiry.

Percé, August 14th, 1842.

HONORABLE GENTLEMEN,

Having received your communication, together with certain questions appertaining to the Administration of Justice within this District, upon which you require every possible information, and directing the answers thereto to be addressed to you, either at Percé or St. George's Cove, I hasten to comply with your request, and herewith transmit you my answers to such of these interrogatories as my knowledge of the District allows me to make.

But as these questions, for the greater part, relate exclusively to the composition and working of the Judicature, my avocations and recent residence in this District, preclude me the possibility of replying to them with sufficient accuracy and precision; I then pass over them and come immediately to the *Twenty-second*, which relates to the population.

There are in the settlement of Percé 128 heads of families, making about 770 persons, as the standing or permanent population. Their chief occupation, with few exceptions, is fishing, together with a limited share of farming. But during the summer months of the year, that number is augmented by probably one-third, strangers who resort to the settlement for the purpose of carrying on the fisheries, thus making the population of Percé, during the business-doing season, amount to about 1020 persons. The same observation will apply to mostly all the other fishing posts of the shore, where the population is always considerably increased during the summer months.

With regard to the *Twenty-third Query*, which relates to the roads:—The road from Percé to Grand River may be considered a carriage-road, as it is open to wheel travelling; it is, however, susceptible of a great deal of improvement, and it is interrupted by two or three considerable streams, over which there is no bridge, and for the erection of which the local inhabitants are unable to provide. There is no road, nor scarcely a foot-path, from Percé to Malbay, a distance of about thirteen miles. Travellers in that direction are exposed to much inconvenience and danger, arising from the rocky nature of the shore beneath and the rugged cliffs above, over which they are occasionally constrained to pass. From Malbay to Point St. Peter, a distance of about two miles, the road is partially opened, as it admits of horse and foot travelling, but is not passable with wheels.

These gentlemen are the answers which I feel called upon to state to such of your inquiries as fall

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within my competency. I would, however, beg leave to observe, that in my rounds through this portion of the District, I have frequently had an opportunity of remarking the varied and apparently well founded grounds of complaint against the present composition of the judicial system and the actual administration thereof, which so extensively prevail through the community. It is looked upon as faulty not only in its constitution, but in all its ramifications. It is considered as ill calculated to meet the wants and remedy the difficulties of the people; and however pure and disinterested its operations, if it does not undergo some vital alteration, and be placed upon some more extensive and efficient basis, it cannot afford either general or permanent satisfaction. This now, it is sanguinely hoped, will be the result of the information you have taken so much pains to obtain by a personal investigation of this section of the Province. And from your wisdom, experience and abilities, it is confidently expected you will recommend the establishment of such a system as will effectually operate in bringing cheap, impartial and even handed justice within the reach of all classes of Her Majesty's subjects in this District.

I have the honor to remain  
Honorab! Gentlemen,  
Your most obedient  
Humble servant,

(Signed,) JOHN O'GRADY, *Pst.*

No. 27.

*Answer of Victor Mignault, Esquire.*

(Translation.)

Percé, 10th August, 1842.

GENTLEMEN OF THE COMMISSION,

The want of a system of judicature, just, easy and inexpensive, has been much felt, for some time back, by all the inhabitants of this District: we have made this want public by frequent petitions, yet, we regret to say, they have had, until now, no effect. We flatter ourselves that this Commission will at length procure for us the double advantage of banishing our just subjects of complaint, and of giving us a system of judicature such as we desire. I shall feel a pleasure, therefore, Gentlemen, in answering the questions which you do me the honor to address to me; but as an investigation of this kind is beyond my powers, I leave to those who are more versed in the laws than myself the task of entering into it at greater length. I shall confine myself to giving a view of what has struck me most forcibly, and that in the most succinct manner:

*Answer to the First Question.*—In the District of Percé, five persons have been commissioned as Magistrates—only three have qualified themselves.

*Second.*—I am myself a Magistrate. Within the last three years I have been called upon to act in that capacity twenty or thirty times; the complaints brought before me were for assault, battery, and other minor offences.

*Third.*—Those who infringe the Laws, as well as criminals, are brought before the Magistrates, on warrants addressed to Constables appointed at the Court of Sessions of the Peace to act in that capacity.

*Fourth.*—I am not aware that Officers or Sergeants of Militia have ever been employed to con-

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duct criminals to prison; I must say, however, that these Officers recognize this obligation as forming part of their militia duties.

*Fifth.*—To my own knowledge it has always been the custom to release the party accused upon furnishing good and sufficient security, to the satisfaction of the Magistrate, to keep the Peace until the time of their appearance at the General Quarter Sessions of the Peace. I am compelled to say that steps have never been taken on the part of the Clerk of the Peace to recover the amount of these bonds. Offenders hardened by impunity, and no longer knowing any bounds, have sometimes pushed their insolence and contempt for the laws to the highest pitch. The Magistrates appointed to enforce respect to the laws have been publicly insulted, and I am convinced that this order of things is owing to the apathy of the Clerks of the Peace, who, themselves confiding in impunity, have taken very little trouble to perform their duties in this respect.

*Sixth.*—Only one has taken place to my knowledge, and I have to inform the Commission that these criminals did not receive the punishment due to their crimes, although condemned, by the Court of Quarter Sessions to receive twenty lashes each, the Sheriff, nevertheless, took upon himself to set them at liberty. The Commission may judge from this instance of what faults this high functionary may not render himself guilty, when he so far contemned the Court as to take upon himself to mitigate its judgments, or even to leave them unexecuted. The effect of the conduct of a similar personage on that of the people is most conclusive.

*Seventh.*—I answer this question in the affirmative.

*Eighth.*—The only difficulties which exist, arise from the circumstance that the Constables are but slightly acquainted with their duties; and if they do not always execute the Warrants of the Magistrates, they probably shape their conduct after that of the Clerks of the Peace, and of the Sheriff, which has too much influence over their own not to be punctually followed. The only remedy that I know of, would be a minute investigation into the conduct of these functionaries, or their removal from office.

*Ninth.*—Since that period, the General Sessions of the Peace have been held at Percé in one year only (namely the year 1810), and that in the Hall in which the Court sits.

*Tenth.*—The particular circumstances which have prevented the General Sessions of the Peace from taking place have been owing, until now, to the want of a *Quorum*. The Magistrates made aware, by a too unfortunate experience, of the contempt which the Clerks of the Peace have always manifested for the said Court, either by neglecting to execute the orders of the Justices, or to enforce the local regulations which were established after having been homologated by the Provincial Judge, or by neglecting to notify to Government the *Presentments* in which were enumerated the wants and grievances of this County; or to cause to be brought before the said Court the prosecutions which they had but too much interest in concealing; thence it happens, I say, that the Magistrates have refused to lose, by attendance at these Courts, time which might have been so well employed for the interest of all. I believe that I am not deceiving myself in affirming that such has been the cause which induced the Magistrates to act thus.

*Eleventh.*—I have been enabled to convince myself at the different Courts of Sessions of the Peace, at which I have assisted, that the list of Jurors was always abundantly provided with names; but I must

also state that I have heard a great number of Jurors complain that the Sheriff did not render them justice, inasmuch as they were called, every year, to act as such, which would give us to understand that this functionary had a common list, which he had not given himself the trouble to change according to law.

*Twelfth.*—I recollect but one occasion on which the Jury was unable to find a Bill of Indictment, through the want of necessary information, which one of the Clerks, a surety for one of the parties accused, was but too much interested in concealing. I have to state, moreover, to the Commission, that this offender left the Province with impunity, without his surety troubling himself about pursuing him, knowing well that impunity was the order of the day.

*Thirteenth.*—To shew to what extent certain individuals carry their contempt for the Laws, I shall relate to the Commission the following fact:—In 1840, a young man having conceived a violent passion for a poor widow, having employed every means of seduction, and seeing that he could not attain his object, conceived the infamous design of using violence towards this unhappy being. He inflicted on her so many and such severe blows, that the neighbours, attracted by her cries, found her almost lifeless, and bathing in her blood. On her deposition, a warrant was issued against this wretch; two Magistrates refused to admit him to bail—a third, more indulgent, or rather ignorant of his duty, contented himself with requiring security for the peace.

*Fourteenth.*—I think that five Magistrates in the Percé Circuit is a number already more than sufficient for the execution of the laws, if they had a sufficient force to put their orders into execution. My experience of the past tells me that they will never attain this end without having an armed force at their disposal, with the assistance of a Chairman of Quarter Sessions or a Police Magistrate.

*Fifteenth.*—The distance between the terms fixed for the sittings of the General Sessions of the Peace, is certainly too great, and it is principally this distance, and the unhealthiness of the place of confinement, called a Gaol, in which the political prisoner and the debtor share the same cell with the criminal, which has made the Justices of the Peace so easy in admitting delinquents to bail. The General Sessions of the Peace ought, in my opinion, to take place twice a year—at the beginning of May and at the end of December, in each year, which times would not cause any actual injury to those engaged in the fishing trade; and the most central place is, without contradiction, Percé.

*Sixteenth.*—The Clerk of the Municipal District would be able, I think, to act at these new Sessions of the Peace, without on that account neglecting his other duties. The salaries of the two offices united would procure an honorable competence for this person, and would enable him to fulfil his duties in a manner satisfactory to all. I suggest that this duty might be assigned to the Clerk of the Municipal Council, from the circumstance of the Prothonotaries of the Civil Court having already too much to do for their diligence and capacity.

*Seventeenth.*—For the population of this County, I am inclined to think that for the present, one Gaol would be sufficient, but a Gaol which would meet the wants of the County. As to the building which bears this name at Percé, it is altogether unfit in every respect. It would necessarily require large disbursements to render it commodious, salubrious, and sufficiently roomy. The Government would be on-

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ly doing an act of justice by allowing such disbursements to this County, for it has certainly not received in public improvements more than one tenth part of what it has brought into the public chest.

*Eighteenth & Nineteenth.*—The system of Judicature in the District of Gaspé is certainly defective in many points; but I must say on this occasion, that this system, defective as it is, would be supportable to a certain extent to the mass of the Inhabitants of this District, if they could have, in those who direct it, that confidence which this body ought to have acquired by its intelligence and integrity, and which it has lost for reasons already too often enumerated. The head of this body has a Jurisdiction too extended for one man. One great defect in the system is, that there is no appeal from the decisions of this Functionary in cases for a less sum than twenty pounds sterling. I venture to say that this is one of the evils which weigh heaviest on the Inhabitants of this District. I would suggest therefore as a remedy that there should be a Judge in each County, who should form a Superior Court, aided by a third, who should be at the same time Police Magistrate or Chairman of the Quarter Sessions, of known capacity, and sufficiently independent not to be influenced by any one. That these Courts should be held alternately in each County, and that each of the said Judges should have an Inferior Jurisdiction in his own County, giving an appeal from their decisions in cases of the amount of five pounds currency, and upwards.

*Twentieth.*—There is certainly much insufficiency in the system as it is at present. One of the principal defects is the want of a higher tribunal in criminal matters; another, keenly felt by the inhabitants of this County, is the great distance of the Judge from the locality. Excepting during the time of the Civil Courts, the debtor can always escape with impunity from his creditor, and before this latter can provide himself with the necessary means for stopping him, the former may have left the Province, never to return. If then there were a Judge residing in this County, this objection would vanish.

*Twenty first.*—I think that a Police Magistrate in each County, having a Military force at his disposal, would effect much in the administration of justice, especially in this place, where the laws are badly enforced, by reason of the little respect in which they are held. I could not, however, answer the question whether the Municipal District would be willing to provide for the expense of similar appointments, either altogether or in part: the means of each County are very slender for me to presume that they would be able to do it.

*Twenty-second.*—For an answer to the first part of this question, I refer to the Report of the Reverend Mr. O'Grady, Roman Catholic Missionary of this County, who could answer it with exactness, seeing that he takes the census every year. As to the second, which has reference to the occupations of the inhabitants: they devote themselves almost entirely to the cod-fishery—to the salmon, whale, herring, and mackerel fisheries, and to agriculture in a superficial manner.

*Twenty-third.*—This part of the Province is, without contradiction, that which has been, and which is still, the most neglected in this respect. From Percé to Grand River there is a very passable road even for vehicles, if I except two considerable ravines, which are still without bridges. The path from Percé to Point St. Pierre is too dangerous to be travelled on horseback, and in some parts even for pedestrians.

Such, Gentlemen of the Commission, are the remarks which I have thought it my duty to make upon your questions. It is true that in some parts I have alluded to persons, but you will be pleased to overlook these digressions. The persons by whom the system is administered are so closely connected with it, that the one could not have its effect without the participation of the other. I had to speak of a subject which affected the well-being of so many individuals, that I should have thought myself acting culpably towards them, since you did me the honor of questioning me, if I had not shewn where the evil exists, and what is its cause. What I have said will serve to acquaint you with the opinion of the mass, as to the system of Judicature, and more especially as to those by whom it is administered.

I have the honor to be,  
Gentlemen,  
Your most humble and obdt. servant,

(Signed,) VICTOR MIGNAULT.

No. 28.

*Answers of Mr. James Rooney and Edmund Flynn*

The replies to the Queries by Captain Rooney and Lieutenant Flynn, of the Gaspé Battalion of Militia.

Percé, July 30th, 1842.

GENTLEMEN,

Herewith you will receive our answers to your communication of the 18th instant, numbered (as required) in the order of the questions.

We have the honor to be,  
Gentlemen,  
Your most obedient servant,

(Signed) JAMES ROONEY, Captain,  
EDMUND FLYNN, Lieutenant.

To the Honorable Messrs. Cochrane & Dumoulin, Commissioners, &c. &c. &c.

*To the First Question.*—There are eight Justices of the Peace for the settlement of Percé.

*Second.*—We are not in the Commission of the Peace.

*Third.*—It is customary for a Constable to seize parties accused, and present them before a Justice of the Peace.

*Fourth.*—The Officers and privates of Militia have occasionally been called out to execute process against refractory persons, but the Militia having neither musket or ammunition belonging to the Crown, in case of necessity, are unprotected in criminal cases.

*Fifth.*—It is customary for Magistrates to take bail of persons accused, but whether any prosecutions have occurred for defaults we cannot say.

*Sixth.*—No convictions have taken place in our neighbourhood for the last three years, to the best of our information.

*Seventh.*—We believe there has been one Special Constable sworn within the last three years.

*Eighth.*—The best means of suppressing any difficulties that may occur are the appointment of a

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sufficient number of Justices of the Peace, Officers of Militia and Constables.

*Ninth.*—The General Sessions of the Peace have been regularly held at Percé, the last three years, to the best of our recollection, the Court Hall being in the same building with the Gaol.

*Tenth.*—None within the last three years, to the best of our knowledge.

*Eleventh.*—A sufficient number of Jurors in attendance.

*Twelfth.*—No prosecutor appearing, parties accused escape punishment.

*Thirteenth.*—Three prisoners were condemned in 1840, by a Court of General Sessions, to be flogged for robbery. The Militia were called out to attend the punishment, but the Sheriff and his Deputy not choosing to inflict the same, the prisoners escaped, to the scandal of public justice.

*Fourteenth.*—It may be advisable to increase the number of the Justices of the Peace, and the Militia to be enrolled into two companies, instead of one, as now it is, being 200, are too many for one company. Colonel O'Hara, the Commandant of the Battalion, will direct how the men may be divided.

*Fifteenth.*—We think it advisable to have the General Sessions held at Percé, twice in the year, at the discretion of the Magistrates.

*Sixteenth.*—By the Crown, exclusive of the customary fees.

*Seventeenth.*—The erection of a Gaol or Court Hall is wanted, but the inhabitants are too poor to bear the expense.

*Eighteenth.*—It is our humble opinion, that two Judges may be necessary for the determination of civil cases, and a Stipendiary Chairman to preside at the General Sessions of the Peace, if maintained by the Crown, or when called on duty.

*Nineteenth.*—No census has been taken of the population of the settlement of Percé, for the last three years.

*Twentieth.*—The roads between Point St. Peter and Percé are impassable in many places, and a river over which it is not possible to erect a bridge, on account of the current. The distance from Point St. Peter to Percé is about five leagues, and from Percé to Grand River about the same distance, say five leagues.

(Signed,) JAMES ROONEY, Captain.  
EDMUND FLYNN, Lieutenant.

No. 29.

Answers of J. B. Blondin, Esquire.

Percé, July 29th, 1842.

GENTLEMEN,

Herewith you will receive my answers to your communications of the 18th instant, numbered (as required) in the order of the questions.

I am,  
Gentlemen,  
Your most obedient servant,

(Signed,) JOHN BEAKER BLONDIN, J.P.

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*First Question.*—Messrs. John Le Boutillier, Victor Mignault, now Deputy Sheriff, James Lenfestey, not acting in Commission, and myself, residing at Percé, Mr. John Beck, residing at Cape Désespoir; Messrs. Josiah Cass and William Tilley, Coroner, at Cape Cove; and Mr. Peter Duval, of Bonaventure Island.

*Second.*—Twenty times I have been called upon to act as a Justice of the Peace, but not worth bringing to the General Sessions.

*Third.*—By deposition, on oath, the parties accused are brought by a Constable before a Justice of the Peace.

*Fourth.*—I never had occasion to employ the Militia—the Police were sufficient.

*Fifth.*—It is customary for Magistrates to take bail of offenders charged with breaking the Peace, but no prosecutions have occurred, to the best of my knowledge or information, for default.

*Sixth.*—No convictions have taken place before me the last three years.

*Seventh.*—There are no Special Constables, but I think it advisable there should be.

*Eighth.*—The means of removing any difficulties that may occur, is the appointment of an additional number of Justices of the Peace, Officers of Militia, and Constables.

*Ninth.*—I attended the General Sessions of the Peace the last three years, but did not sit on the bench, there being a quorum without me. I never attended the General Sessions of the Peace at Douglas Town. The Court Hall at Percé is held in the Gaol, and at Douglas Town in an out house belonging to the widow Johnston.

*Tenth.*—The inconvenient periods which the law has prescribed for holding the General Sessions of the Peace, and the want of a Stipendiary Chairman to preside, may be the cause of the Sessions being sometimes neglected.

*Eleventh.*—There were sufficient number of Jurors summoned and in attendance, both for the Grand and Petty Juries for Percé the last three years.

*Twelfth.*—Public Justice has been set aside, because the expense falls upon the prosecutor, by which parties accused escape punishment.

*Thirteenth.*—In 1840, three prisoners were sentenced by the Court of General Sessions, held at Percé to be publicly flogged, but the Sheriff of the District refused to execute the sentence of the Court, and they escaped without punishment.

*Fourteenth.*—It may be advisable to increase the number of Justices of the Peace, residing in the settlement of Percé.

*Fifteenth.*—I think it necessary to have the General Sessions of the Peace at Percé twice in the year.

*Sixteenth.*—By the Crown exclusive of the customary fees.

*Seventeenth.*—The erection of a Gaol or Court Hall at Percé is much wanted, the present building being inconvenient for the two purposes, as also a Court Hall and a Lock-up House, at Gaspé Bay, with a Lock-up House at Magdalen Islands,

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which buildings are not only desirable but necessary; the expense of the said buildings, the inhabitants being chiefly poor fishermen, cannot possibly bear, but they may be able to manage to defray the expense of their subsequent maintenance and safe keeping.

*Eighteenth.*—It is advisable that two Judges be appointed for the determination of Civil Causes, and a Stipendiary Chairman to preside at the General Sessions.

*Nineteenth.*—A High Constable for the Settlement of Percé; to be paid by the parties when called upon to do duty.

*Twentieth.*—No census taken the last three years.

*Twenty-first.*—From Point St. Peter to Percé, the road is almost impassable, and a river to pass where no bridge can be placed, on account of the current, needs a ferryman to be paid by the Crown. Distance from Point St. Peter to Percé, about six leagues, and from Percé to Grand River six leagues. Bridges are much wanted at Little River, and at the Braschimina.

(Signed,) JOHN BEAKER BLONDIN, J. P.

—  
No. 30.

*Answers of Peter Duval, Esquire.*

Bonaventure Island, July 30th, 1842.

GENTLEMEN,

Herewith you will receive my answers to your communication of the 18th instant, numbered (as required) in the order of the questions.

I am,  
Gentlemen,  
Your obedient servant,

(Signed) PETER DUVAL, J. P.

*To First Question.*—Messrs. John Le Boutillier, John Beaker Blondin, Victor Mignault, now Deputy-Sheriff, and James Lenfesty, not acting in Commission, residing at Percé, Messrs. Josiah Cass and William Tilley (Coroner), residing at Cape Cove, and Mr. John Beck, residing at Cape Déspair, and myself at Bonaventure Island.

*Second.*—I have been called upon so seldom to act as a Magistrate during the last three years, that I have nothing worth communicating.

*Third.*—By depositions on oath, the parties accused are brought by a Constable before a Magistrate.

*Fourth.*—I never had occasion to employ Officers or Serjeants of Militia to execute process.

*Fifth.*—It is usual for Justices of the Peace to take caution or security of parties accused of crimes bailable; but whether any prosecutions have occurred for defaults, I cannot say.

*Sixth.*—No convictions have taken place before me the last three years.

*Seventh.*—I have had no occasion to employ a special Constable.

*Eighth.*—The means of removing the difficulties that have occurred, or do now exist, are the appointment of a sufficient number of Justices of the Peace, Officers of Militia, and Constables.

*Ninth.*—I attended the General Sessions of the Peace at Percé, in 1840 and 1841, but never attended the same at Douglas, as there are sufficient Justices of the Peace residing in that neighbourhood. The Court Hall at Percé is held in the Gaol, and at Douglas Town in an out-house belonging to the Widow Johnston.

*Tenth.*—The inconvenient periods which the law has prescribed for holding the General Sessions of the Peace, and the want of a Stipendiary Chairman to preside, may be the cause of the General Sessions being sometimes neglected.

*Eleventh.*—There were sufficient number of Jurors summoned and in attendance, both for the Grand and Petty Juries for Percé, in 1840 and 1841.

*Twelfth.*—Public justice has been set aside because there was no prosecutor by which parties accused, have been discharged.

*Thirteenth.*—In 1840, three prisoners were sentenced, by the Court of General Sessions held at Percé, to be publicly flogged; but the Sheriff of the District refused to execute the sentence of the Court, and they escaped without punishment.

*Fourteenth.*—It may be necessary to increase the number of the Justices of the Peace, residing in the Settlement of Percé.

*Fifteenth.*—I think it advisable to have the General Sessions of the Peace twice at Percé.

*Sixteenth.*—By the Government, independent of the usual fees.

*Seventeenth.*—The erection of a Gaol or Court Hall at Percé is much wanted, the present building being inconvenient for the two purposes; as also, a Court Hall and a Lock-up House for Gaspé Bay, with a Lock-up House at the Magdalen Islands, which buildings are not only desirable, but necessary. The expense of the said buildings, the inhabitants, from their humble circumstances, cannot possibly bear; but they may be able to manage to defray the expense of their subsequent maintenance and safe-keeping.

*Eighteenth.*—It is my humble opinion that two Judges are necessary for the determination of Civil cases, and a Stipendiary Chairman to preside at the General Sessions.

*Nineteenth.*—I should think the present state of the Police sufficient for the present times, particularly on the increase of temperance amongst the inhabitants, except any gentleman would accept the office gratis of Chairman.

*Twentieth.*—I am unacquainted with the number of the inhabitants residing in the Settlement of Percé.

*Twenty-first.*—Respecting the Roads between Point St. Peter and Grand River, there is great need of improvement.

(Signed) PETER DUVAL, J. P.

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No. 31.

Answers of Charles Verdon, Esquire.

Mal Bay, 12th August, 1842.

GENTLEMEN,

Having received your official circular, of the 18th ultimo, communicating to me a variety of questions connected with the Administration of Justice in the District of Gaspé, &c. I beg respectfully to lay before you the accompany Answers, which, as you request, I have prepared to the questions referred to; and which I will, as desired, put in the order of the questions, and thereto affix my signature.

I have the honor to be,  
Gentlemen,  
Your most obedient,  
Humble servant,

(Signed.) CHARLES VERDON, J.P.

To the Honorable  
A. W. Cochran, Q. C.,  
and  
P. B. Dumoulin, Esq., Q. C.

*To the first Question.*—H. B. Johnston, Esq., of Point St. Peter, and myself, are the only Justices of the Peace who reside in or near the settlement of Mal Bay, who have qualified and acted as Magistrates. I believe, however, that Peter Mabe, Esq., residing at Mal Bay Beach, at a place commonly called the Corner of the Beach, is included in the Commission of the Peace, but that gentleman has never, to my knowledge, acted as a Magistrate, or even qualified as such; and to my knowledge, there is not another Magistrate who resides within the whole of the Municipal Township of Mal Bay. Indeed Mr. Mabe's residence, even although he had qualified, is in the Municipal Township of Percé.

*Second.*—The Justices of the Peace being so few in number, in or near the settlement of Mal Bay, I have been called upon to act in that capacity during the last three years, so frequently, and at times when my private business required my attention, that the duty has often been injurious to the interests of myself and family. The nature of the cases brought before me have been felonies, differences betwixt fishermen and their employers, trespasses, assaults and batteries, breaches of various Provincial Statutes, &c. &c.

*Third.*—Offenders against the laws have, in certain cases, been proceeded against, in the first instance, by complaints and informations on oath, and thereupon warrants to apprehend for examination have been granted, and the parties accused brought before Justices of the Peace by a Constable, and, in other instances, by service upon the accused of summons by a Constable or Bailiff.

*Fourth.*—I have not within the last three years employed Officers or Serjeants of Militia, or known them to be employed as Peace Officers, to execute process in matters criminal, or to have charge of accused parties or to convey them to prison.

*Fifth.*—It is usual for Justices of the Peace to discharge persons accused, on giving bail or security to keep the Peace; but the effect of such course of proceeding has not afforded much satisfaction or security; such course having been generally regarded as a mere matter of form or judicial farce, and no steps have ever, to my knowledge, been taken for the recovery of forfeitures in such cases.

*Sixth.*—I cannot at present charge my memory with the number of convictions which have taken place within the last three years, before me or other Justices of the Peace in my neighbourhood, and such convictions have invariably taken place in the presence of other Justices of the Peace with myself who kept the records of such causes, and in whose care the execution of such convictions were left to be enforced.

*Seventh.*—It has been found necessary, and is the general practice to appoint and employ Special Constables to execute Process, and arrest or apprehend and convey before Magistrates, and to prison parties accused.

*Eighth.*—The difficulties which have invariably occurred, and still exist, (notwithstanding numerous complaints to the Executive on the subject) in arresting, securing and committing to prison offenders or persons accused, are the difficulties in employing Special Constables, from the want of public funds at the disposal of the Magistrates, the paucity of means of assessors to pay such Constables; and the want of good roads connecting together the various settlements on this Coast. The best means, in my opinion, to remove such difficulties would be the appointment by the Government, and at the Government expence, of a Stipendiary Magistrate, with a sufficient sum at his disposal, as formerly, to pay Constables when employed in certain cases;—the opening, forming and completing roads connecting the various settlements in the District;—the appointment of an adequate number of Justices of the Peace, Officers of Militia and Constables.

*Ninth.*—General Sessions of the Peace have been held at Percé only twice during the last three years in the Court Hall, and also, during the same period, at Douglastown, in a building belonging to the representatives of the late Henry Johnston, Esq.

*Tenth.*—The circumstances which are to be ascribed as preventing the holding of such General Sessions of the Peace, according to law, at the regular periods, during the last three years, are the very inconvenient season of the year at which, by law, they are appointed to be held—the non-attendance of Magistrates, in consequence thereof, and the want of a Stipendiary Magistrate to preside thereat.

*Eleventh.*—There has always been a sufficient number of Jurors summoned and in attendance at the General Sessions of the Peace when holden.

*Twelfth.* The only difficulty that I am aware of in obtaining Bills of Indictment to be found by the Grand Jurors is the want of a Prosecutor for the Crown in this District, parties being generally so poor on this coast that they are unable to employ Counsel, &c. for that purpose. But I am not aware of any difficulty existing in obtaining verdicts of convictions by Petty Juries, on sufficient evidence laid before them.

*Thirteenth.*—I know of one instance, in the year 1819, where three men sentenced to be flogged were discharged without such sentence having been executed, or any other punishment, in lieu thereof, in consequence of the Sheriff of the District having refused to execute the sentence of the Court; and I am informed of other instances where offenders escaped both prosecution and certain conviction, after having been arrested and committed from the want of a superior tribunal to try criminal causes, arising out of the want also of a prosecutor for the Crown resident in the District.

*Fourteenth.*—I am of opinion that it is necessary that the number of Justices of the Peace, and Offi-

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cers of Militia to serve as Peace Officers, should be increased in this settlement as well as in other parts of the District of Gaspé: but I am not prepared to say that qualified persons as Justices of the Peace could be found in this settlement. It is, however, to my knowledge that qualified individuals, as officers of Militia, to serve as Peace Officers, are to be found in this settlement.

*Fifteenth.*—In my opinion, the Term appointed by law for holding the General Sessions of the Peace in this District has been injudiciously fixed, being the busy season of all concerned, when it is not only inconvenient but prejudicial to Magistrates, accusers, witnesses and Constables alike, to attend these Sessions. I would, therefore, suggest, with all due deference to the opinion of others, that the General Sessions of the Peace should be held twice in the year at this settlement and Douglastown, in the months of March and September, these periods and places being the most eligible.

*Sixteenth.*—I would suggest that a Clerk of the Peace, independent of the Prothonotaries of the District, who at present act as such, be appointed by the Crown, and to reside at Percé, to attend to the duties of such office, throughout the District, and to whom the Magistrates could apply for advice and assistance in matters involving points of law, as at Quebec and other places, and that he be paid by the Government and fees of Court.

*Seventeenth.*—I consider it absolutely necessary that a Gaol and Court House should be erected at Douglastown, and that the present Gaol and Court House at Percé should be either rendered suitable and secure, or that another should be erected in lieu thereof, in terms of the late petition of the Magistrates of this District to the Governor General, to which I beg leave to refer. I am of opinion, however, that the costs of such buildings should be defrayed by the Government, and could not possibly be borne by the District; but I apprehend that the maintenance and safe keeping thereof might be provided for by the District Municipal authorities.

*Eighteenth.*—I am decidedly of opinion that the existing law for the Administration of Justice in the Inferior District of Gaspé, in civil matters, and for bringing to justice the higher classes of criminal offences committed therein, is very insufficient, and never has proved, and never can prove, satisfactory.

*Nineteenth.*—My opinion of the insufficiency of the existing law for the administration of Justice, in the Inferior District of Gaspé, is generally founded on the evil system of entrusting to one Judge, however well selected, the rights, liberties, privileges and interests of a large Community—the limitation of the jurisdiction of the Court to the sum of one hundred pounds, and the residence of the Judge, being at one extremity of the District; and although I feel myself inadequate to the task of pointing out remedies and amendments in a matter of such importance, I would respectfully suggest:—1st. That the Court should be constituted by two or three Judges for the District of Gaspé alone, independent of the District of Bonaventure. 2dly. That, if three, two of these Judges should reside at Percé, and the other at Douglastown. 3dly. That the jurisdiction of these Judges should be unlimited. 4thly. 5thly, & 7thly. That these three Judges should, through their respective Prothonotaries, attend to the issuing of Writs of Capias or Attachment, and other summary proceedings, and hold Courts for the trial of civil and the higher classes of criminal causes at Percé and Douglastown or Gaspé twice in each year, viz: in the months of March and September as follows, namely,

twenty days at Percé and ten days at Douglastown or Gaspé—it being left to these Judges to distinguish and determine the periods for civil and criminal causes at each of these places. 6thly. That besides the Judges of Superior, there should be also one Judge of Inferior Jurisdiction to hold Circuit Courts throughout the District four Terms in each year, at the most convenient periods and places. 8thly. That a regular Tariff, on more moderate terms than the present, should be fixed and established by the Legislature. 9thly. That the existing Courts should be abolished, and give place to those proposed. 10thly. That the Rules of Practice of each Court should be fixed and established by the Legislature of the Province. 11thly. That the manner and form of taking in execution, advertizing, and selling real property under judgment, should also be established by the Legislature, but in no case should real property be sold otherwise than upon the property, or at some public place at the settlement wherein such real property may be situated, and that after due public advertizement in the District. 12thly. That appeal in all cases above one hundred pounds should be allowed to the Appeal Court at Quebec, and thereafter to the House of Lords; but in no instance should appeal to any other Court be allowed under that sum, excepting in causes before the Inferior Court, which should be appealable only to the Superior Court of the District.

*Twentieth.*—Further than as answered by my previous answers, I am not prepared on such short notice to state.

*Twenty-first.*—I think it might be very beneficial to appoint a High Constable for the District of Gaspé, but I do not think it advisable or necessary to establish a Rural Police therein. The expense of such High Constable might be provided for to a limited extent by the Municipal authorities of the District; but as these authorities have not, as yet, resolved upon any mode of raising funds for public purposes, I am not, at present, prepared to state in what manner.

*Twenty-second.*—Having no information that can be depended upon, as to the actual population of the settlement of Mal Bay, the census of the different Townships not having, as yet, been taken by the Municipal Officers appointed for that purpose, I am unable to give any answers which could be relied upon.

*Twenty-third.*—There is only a foot-path, scarcely passable, between the settlements of Mal Bay and Gaspé Basin, and also between the settlements of Percé and Mal Bay; and betwixt Gaspé Basin and Percé there are not any carriage or horse roads of any description.

(Signed,) CHARLES VERDON, J. P.

No. 32.

Answers of Henry B. Johnston, Esquire.

Point St. Peter, 11th August, 1842.

GENTLEMEN,

I have to acknowledge the receipt of your official circular letter of the 18th ultimo communicating for me to answer certain questions connected with the Administration of Justice in the District of Gaspé, and I have the honor of transmitting to you herewith as full and particular information as, on such

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short notice, lies in my power, on the subject submitted to me.

I have the honor to be,  
Gentlemen.

Your most obedient, humble servant,  
(Signed,) HENRY B. JOHNSTON.

To the Honorable A. W. Cochran, Q. C., and P. B. Dumoulin, Esquire, Q. C., Commissioners for Inquiries into certain matters connected with the Administration of Justice in the District of Gaspé.

*To the first Question.*—Charles Vardon, Esquire, residing at Mal Bay, and myself, are the only two Justices of the Peace resident in the Municipal District of Mal Bay, who have qualified and acted as Magistrates in the settlements of Mal Bay and Point St. Peter within the last three years. Peter Mabé, Esquire, residing at the Corner of the Beach of Mal Bay, I believe also to have been included in the Commission of the Peace, but he has never, to my knowledge, qualified or acted as a Magistrate, and I do not know any other Magistrate who resides in the whole of the Municipal District of Mal Bay.

*Second.*—I have been so often required to act as a Justice of the Peace, within the last three years, that I cannot state particularly the number of times, but I might safely say that I have been daily called upon in that capacity. The nature of the cases generally brought before me have been for assaults and batteries, thefts and robberies, breaches of the Fishery Act, &c., but mostly assaults.

*Third.*—Offenders are generally proceeded against in the first instance, by complaints and informations on oath, whereupon warrants to apprehend for examination are granted by the Magistrate, and the parties accused so brought before him by a Special Constable or Serjeant of Militia. In other instances the accused appear before the Magistrate by summons.

*Fourth.*—I have called upon them to execute process in criminal matters, and to have the custody of criminals; and have invariably found them to be the most fit and proper persons for the execution of such duty.

*Fifth.*—It has been too much the Practice for Justices of the Peace to discharge persons accused on giving bail or security to keep the peace. But I regret to say that such course has never had the effect desired, such proceeding being generally regarded as a judicial farce—the parties accusing never taking steps to recover forfeitures.

*Sixth.*—Twelve convictions have taken place before me and other Justices of the Peace, within my neighbourhood, within the last three years, the enforcement and execution of which having been left to the accusers, were generally settled or made up betwixt the parties interested, being for assaults and batteries, but in cases of felonies, the parties accused have invariably absconded.

*Seventh.*—It has always been difficult, but necessary, in most cases, to employ Special Constables to execute process, and arrest and convey to prison parties accused, such difficulty existing generally from the poverty of the accusers and the want of roads in this Township.

*Eighth.*—The only difficulties that I know of to consist in arresting, securing, and committing persons accused, is the want of a Crown Officer, and a Stipendiary Magistrate, with a sufficient sum at his disposal to defray the expenses necessary to arrest, secure and commit such offenders against the laws; and I do not know of any mode of removing

these difficulties than the appointment of these Officers by Government and at the Government costs.

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*Ninth.*—I believe that the General Sessions of the Peace have been held twice during the last three years in the Court House at Percé, and once or twice, during the same period, at Douglastown, in a house belonging to the representatives of the late Henry Johnston, Esquire.

*Tenth.*—The most particular circumstance which has occurred to prevent the holding of such General Sessions of the Peace, according to law, at the regular periods during the last three years, has arisen out of the refusal of the Sheriff to execute the judgments of the Court, which has so disgusted the Justices of the Peace, that they have discontinued to attend these General Sessions.

*Eleventh.*—I am not aware that any complaint exists as to a sufficient number of Jurors having been summoned, and being in attendance at such Sessions.

*Twelfth.*—I do not know of any difficulty existing in this District in obtaining Bills of Indictment before Grand Jurors, or Verdicts of Conviction by Petty Juries, on sufficient evidence laid before them respectively. Although you will please to keep in view the difficulty of bringing the accused before such Jurors, from the want of Crown Officers, and the state of the roads in this part of the District, to be by me hereafter referred to.

*Thirteenth.*—As this question prohibits me mentioning names, I cannot particularly answer the same, but I know of one case in the year 1840, where three persons sentenced to be flogged, the Sheriff refused to carry into execution the sentence of the Court; and the parties, in consequence, were set at liberty, without punishment of any description. I am not aware of any other instances, but I have a conviction that parties generally suffer rather than complain to authorities which have not the power to redress their wrongs.

*Fourteenth.*—I do think it advisable and absolutely necessary that the number of Justices of the Peace and Officers of Militia to serve as Peace Officers, ought to be increased in the settlements of Point St. Peter and Mal Bay, and generally throughout the District of Gaspé.

*Fifteenth.*—The period fixed by law for the holding of the General Sessions of the Peace in the District of Gaspé, being the busy season of the year therein, when no individual can attend therewithout certain injury to his own interests. I would suggest that some change should be made, and that such Sessions should take place twice in each year at Percé and Douglastown, in the months of March and September, these places and periods being the most suitable for the community of this District. I am also of opinion that it would be advisable that General Sessions of the Peace should be held at least once a year at the Magdalen Islands, at or about the period when the Judge of the Commissioners' Court sits there.

*Sixteenth.*—I am decidedly of opinion, that a Clerk of the Peace for the District, independent of the Prothonotaries, who act as such, should be appointed and paid by the Crown, and to account for the fees of office, to reside at Percé or Douglastown, to whom the Magistrates could at all times apply for advice and assistance in the execution of their duties.

*Seventeenth.*—I do not consider it necessary that the number of Gaols in the District should be in-

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erased, but I would respectfully recommend that that the present Gaol at Percé should be rendered suitable and safe, or that another should be erected there, in terms of the petition, a memorial lately transmitted to the Governor General by the Magistrates of this County. And I am of opinion that a Court House should be erected at Douglastown, in which to hold the Circuit Courts there; also that Lock-up Houses, for the safe keeping of persons accused under the charge of Magistrates or Peace Officers until they can be conveyed to Gaol, should be erected at the following settlements viz.:—At Fox River or Anse-aux-Griffons, Douglastown, Point St. Peter, Grand River and New Port. I do not think, however, that the costs of such buildings could be provided for, to any extent, by the County, although the subsequent and meantime safe keeping thereof might be afterwards provided for by the District authorities.

*Eighteenth.*—In my opinion, the law at present in existence in this District for the Administration of Justice in civil matters, and for bringing to justice the higher classes of criminal offences therein, is very objectionable, and has never given, and never can give, satisfaction.

*Nineteenth.*—I consider the existing provision for the administration of justice insufficient in this District, because thereby the rights, liberties, privileges and interests of so large a District is entrusted to one individual, who, however enlightened and impartial, and otherwise well selected, is and has uniformly proved to be a system both dangerous and ruinous, and rather than such a vicious system should be continued, I would prefer that the Judicature of the District should be altogether abolished. But the system is not the only objection which lies to the existing provisions of the administration of justice in this District, for the present Judge has been very unadvisedly selected to the duty and trust for which he has proved inadequate—being so very deficient that his judgment is swayed and overruled by his wife and a relative of hers practising in his Court, to the discredit of a free and intelligent community, and the disgrace of the nation. The limitation of the jurisdiction of the Court to one hundred pounds, and also the residence of the Judge lying at one extremity of the District, are also grievances which are ruinous to the people. The remedies which I would suggest would be:—1st. That the Court should be constituted by two Judges.—2d. That one of these Judges should reside at Percé, and the other at Carlisle.—3rd. That the jurisdiction of these Judges individually should be limited to £80 currency, and conjointly to an unlimited amount.—4th. That these Judges should each hold Inferior Courts for civil causes not exceeding £30, at Douglastown and Percé alternately, regularly four terms in each year, viz: from the 1st to the 10th February—from the 1st to the 10th April—from the 1st to the 10th June—and from the 1st to the 10th October; and conjointly twice a year at Percé and Douglastown alternately, viz: from the 1st to the 10th March, and from the 1st to the 10th September.—5th. That Writs of Capias or Attachment should be issued by these Judges through the Prothonotaries, one to be resident at Carlisle, and the other at Percé.—6th. Answered by my answer under head fourth.—7th. Jurisdiction to the two proposed Judges for the trial of criminal offences might, in my opinion, be safely and beneficially entrusted conjointly in all causes, excepting such as are denominated capital offences; and that they should hold Courts in such cases from the 11th to the 20th March, and from the 11th to the 20th September, to be holden alternately at Douglastown and Percé.—8th. That the present fees being so enormously high, amounting to a total de-

nial of justice, should be modified, and a new tariff established by the Legislature.—9th. Already answered by my previous answers.—10th. That Rules of Practice should be established and fixed by the Legislature.—11th. That the manner and form of taking in execution, and advertising and selling real property under judgment should also be fixed and established by the Legislature, but in all instances such sales should be publicly advertised in the District, at least one month prior thereto, and take place on the property, or at some public place within the Settlement where such real property may be situated.—12th. That appeal from the Judgments of the Inferior to the Superior Court of the District, in causes above £10 should be allowed, by giving written notice and security within eight days after the date of such judgment—and from the judgments of the Superior Court of the District in causes amounting to £100 and upwards to the Appeal Court of Quebec, on giving written notice and security within fifteen days after the date of such judgment.

*Twentieth.*—Not having access to the records of the Court, I am at a loss to state particularly, although I am aware that the insufficiency of the present system of judicature, as well as the great abuses existing therein by the officers of the Court, are so grievously felt by the people of this District, that they generally rather submit to lose sums owing to them, than run the risk of losing the sum with costs.

*Twenty-first.*—I think it advisable that one High Constable should be appointed for this District, but I do not think that the expense of such an appointment could be provided for by the District. On the contrary, I am of opinion that such expense would require to be borne by the Crown. The establishment of a local or rural Police is not required in the District.

*Twenty-second.*—The officers appointed for that purpose not having as yet completed the Census of this Township, I am unable to give or procure information as to the actual population of the settlement of Point St. Peter and Mal Bay; but I should suppose the number of heads of families in the Municipal Township of Mal Bay to be one hundred and ten, and of persons about six hundred and fifty, and that the business or calling of such population, generally, is fishermen, blacksmiths, shoemakers, carpenters, joiners and sailors, with the exception of four or five mercantile houses.

*Twenty-third.*—There is only one foot-path, which is scarcely passable, betwixt the settlements of Point St. Peter and Gaspé Basin, a distance of twenty-two miles, which is intersected by deep ravines, rivers not fordable and brooks; but there are no carriage or horse roads of any description between these settlements, nor betwixt Percé and Point St. Peter, a distance of fifteen miles by land, neither are there any ferries.

#### Supplementary Question.

Partly answered by my answer to the *twentieth* Question, and I may further add, that several mercantile gentlemen in this District, viz: Mr. Le-Boutillier, Percé; Messrs. Robins, Percé; Mr. Mabe, Mal Bay Beach; Mr. Vardon, Malbay, and myself, have frequently sacrificed debts or claims of considerable amount—at least have not endeavoured to recover them by law—in consequence of the defect of the present system of Judicature in this District, and from the want of confidence in the Court.

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*Answers of John Elen, Esquire, Postmaster.*

Answers to certain questions submitted by the Honorable A. W. Cochran, and P. B. Dumoulin, Esquire, relative to the Administration of Justice in the District of Gaspé.

14th August, 1842.

*To the First Question.*—Three at Gaspé Basin, and qualified. None appointed in the South West Arm since the decease of the late George Boyle, Esquire.

*Second.*—I am not a Justice of the Peace.

*Third.*—By Summons issued in the ordinary way, and frequently offenders are left to themselves to appear or not, as they think proper.

*Fourth.*—They have not been employed, to my knowledge, for the last ten years. I have known Warrants to have been sent to Serjeants of Militia, but at all times refused to execute the same. I am an Officer of Militia, and have never been called upon.

*Fifth.*—I have known several instances of this kind happen, for assaults and batteries, and other misdemeanors, and not tried for said offences, although present in the Court; and others under security have not been tried, or security called for.

*Sixth.*—I cannot precisely say as to the number of convictions. I have known a prisoner, John McKenzie, committed to the County Gaol in the fall of 1841, for a theft exceeding £10 currency, and was admitted to bail after remaining a few days a prisoner, since which time he has broken open the Protestant Episcopal Church at Gaspé Basin, and carried off a Prayer Book, and several Carpenter's tools, (the Church undergoing repairs,) for which high crime he escaped the ends of justice for the want of an effective force, &c.

*Seventh.*—Very difficult indeed, there being no funds provided to pay the necessary expenses attending the committal of prisoners to the County Gaol.

*Eighth.*—There is a great difficulty existing in arresting and conveying offenders to prison, from the want of proper officers appointed for that purpose; and to obviate which, I would beg earnestly to recommend the appointment of a High Constable, or an officer of Militia, with a fixed salary, so as to secure his acting independently, and to give security for the due execution of his office; and a well regulated Constabulary force, say an increase of the Serjeants of Militia at each settlement, to be paid when on duty, who at the first call would be able to concentrate and be ready at a short notice, to give their aid and assistance in apprehending of any person whose conduct would demand the same, and would be found an effective force to protect shipwrecked property, as well as to attend the Courts of Justice. I am fully convinced of the great want of such a force; as for example, during the sitting of the last General Sessions in August, 1841, under the eyes of the Court, an individual guilty of a high contempt, effected his escape from amongst a great number of attendants, who, though requested by the Sheriff to give their aid and assistance in apprehending the same, refused to do so, and by that means escaped the punishment that he deserved. The expense of a force, if appointed, could not, in my opinion, be provided for by the Municipal District of

Gaspé, and must necessarily be paid out of the general revenue of the Province. A small part of the expenses might be levied on the shipping visiting Gaspé Basin, by a small tax. I have frequently heard Captains of Vessels complain of the want of a force to apprehend their refractory crews, and would be willing to contribute to a fund for an effective force. I have been present at Gaspé Basin, when nearly the whole crew of the Vessel mutined and the Captain knocked down, but could not procure the least aid or assistance from the shore.

*Ninth.*—I believe twice, (partially.) Sessions held in a very old building, used as a barn and stable. The Grand Jury, in the year 1841, were obliged to hold their Grand Inquest in the stable, and the following year in the open field.

*Tenth.*—From a want of Justices of the Peace to form a quorum in the year 1839. During the Session of 1841, an interruption was made in the Court. The Grand Jury, when returning to the Court Hall with their Presentment, found that the Justices of the Peace, that were in attendance during the Session, absented themselves, for reasons unknown to the Grand Jury, and did not return during that Session.

*Eleventh.*—I cannot precisely say as to the number of Jurors summoned, but generally a deficiency. The non-attendance of the Jurors was occasioned principally from the proper officer not punishing the absentees, and not unfrequently from the uncertainty of a quorum of Justices of the Peace.

*Twelfth.*—I have not heard or known of any difficulty experienced by the Grand Jury, but during the Session of 1840, one of the Petty Jury, who was, at the time of the Trial, under the influence of liquor, remained behind, in the Jury Room, and when called upon by the Sheriff to give his verdict, said, in flourishing his hands, "what the rest of the others said, he said so too!"

*Thirteenth.*—A person keeping a Public House of Entertainment, and selling Spirituous Liquors without a License, being under bail to appear before the General Sessions in 1840, made his appearance accordingly, but was not tried, he alleging the incompetency of the Magistrates, they being venders of Spirituous Liquors.

*Fourteenth.*—I think that an increase of Justices of the Peace and Militia Officers is much required, particularly in some of the settlements; for example—three Justices of the Peace are residing at Gaspé Basin, with a population of about 70 souls, and no Justices of the Peace in the South West Branch, numbering about 230 souls.—"Douglastown," no Officers of Militia, or Justices of the Peace.

*Fifteenth.*—I think it would be desirable that the General Sessions of the Peace should be held at Gaspé Basin, and not at Douglastown, the former being more central, particularly for Jurors attending from L'Anse du Griffon, and adjoining settlements, and the great resort of the Shipping, and that the same be held at least semi-annually, and for the convenience of all concerned, the 15th of March, and 15th October would be the most suitable periods for the dispatch of business.

*Sixteenth.*—I would particularly recommend that a separate Clerk of the Peace be appointed, and paid from the general revenue of the Province.

*Seventeenth.*—I would respectfully recommend the want of a Court Hall, and Lock-up House, at Gaspé Basin; and in the present state of the coun-

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try, I do not think that any part of the expense for the erection of the same could be provided for by the District Council, or the subsequent maintenance and safe-keeping thereof, at least for some years to come.

*Eighteenth.*—It is my opinion that the Constitution of the Courts of Justices is entirely inadequate to the wants of the inhabitants; that the whole system should be remodelled, by granting Courts of superior and unlimited jurisdiction, both civil and criminal; a Police Judge to preside at the General Sessions; one resident Judge to have a jurisdiction of £25 currency, and limit the appeal to £12 10s. currency, to the Superior Court of the District, to be held at Gaspé Basin, at least once a year, by the resident Judge, and that of Bonaventure, and when a discrepancy of opinion should occur, the Police Judge to sit with the other two. Appeal from the Superior Court to the Court of Queen's Bench, or the Court of Appeals at Quebec.

*Nineteenth.*—See answer to the last query, No. *Eighteen*, with the exception of the Tariff of Fees, being so exorbitant as will appear by the statement hereunto annexed, in the hand-writing of John R. Hamilton, Esq.

*Twenty-first.*—I would by all means recommend the appointment of a High Constable in each County, or a small Rural Police, in charge of an Inspector; say for the Bay of Gaspé, (to be stationed at Gaspé Basin,) one Inspector, and six Police-men, would, in my opinion, be sufficient for all purposes, with the exception of a serious riot. See further particulars as stated in answer to query No. *Eight*.

*Twenty-second.*—Ninety-five heads of families, and five hundred and thirty other persons, (transient persons not included.) Their business or calling, see list annexed herewith.

*Twenty-third.*—The road in the South-west Branch—there is a bridle road for about six miles, quite impassable for a carriage. Some years ago, a small grant of money was granted by the Legislature to open a road from Gaspé Basin to Point St. Peter, a distance of twenty-three miles, which was done by cutting down the trees of the forest only, since which time nothing has been done, and it is now almost impassable, there having been no bridges erected over the brooks, ravines, or rivers, and can only be

considered as a foot path, the underbrush having grown up to a considerable height.

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The foregoing is most respectfully submitted by—

Your most obedient,  
Humble servant,

(Signed,) JOHN EDEN,  
Postmaster,  
& Adjutant of Militia.

Gaspé Basin, 15th August, 1842.

*Extract of Sheriff's Return.*

Sales of Property,..... £129 0 0

*Sheriff's expenses as per Schedule.*

Writ, 10s.—Sale, 40s.—Procès verbal, 5s. ....	£2 15 0
Milceage to Sale, 21 leagues,..	3 13 0
Printer, 45s.—Milceage to advertise.....	4 18 0
2 Advertisements, 5s.....	10 0
Poundage on £120 at 2½ per cent .....	3 4 6
	<hr/>
	£13 18 6
Judgment.....	60 18 0
Interest from 17th Aug. 1831,	21 7 5
Costs of suit to John R. Hamilton, .....	7 8 4
	<hr/>
	£103 12 3
Balance in hand.....	25 7 9
	<hr/>
	£129 0 0

This was a case between the late George Boyle, Esquire, and Mr. William West, of St. George's Cove.

(Signed,) JOHN EDEN,  
Postmaster.



Names of the Heads of Families, Business or Calling, and Number of Persons in each, residing at Gaspé Basin, South-West Branch, North-West Branch, Peninsula and Sandy Beach, 14th August, 1842.

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Number of Heads of Families.	Names of the Heads of Families.	Business or Calling.	No. of Persons in each Family.	Name of Settlement.
1	Jeffry Pendergast	Farmer	8	From the head of the North side of the South-West Branch to the residence of the Rev. William Arnold, near the Basin of Gaspé.
	William Clarke	Do.	7	
	Daniel Patterson	Do.	6	
	Thomas Robin	Cooper	—	
	Lanch T. Patterson	Farmer	—	
	Louis Kelly	Do.	5	
	John Redding	Do. (Pensioner)	1	
	Joseph Eden	Do.	5	
	Richard Patterson	Do.	10	
10	Abraham Coffin	Do. and Whaler	10	
	James Boyle	Do. do.	9	
	Felix Boyle	Do. do.	7	
	John Eden	Post Master, Gaspé Basin	7	
	Benjamin Patterson	Farmer and Whaler	9	
	William G. Annett	Whaler	—	
	Richard Annett	Do. and Farmer	9	
	Philip Bachawaise	Farmer	6	
	John Salvidon, Sen.	Do.	3	
	John Salvidon, Jun.	Do. and Whaler	1	
20	Samuel Tripp	Do. and Cooper	7	
	Martin Moran	Do.	3	
	Edward Quigly	Do.	5	
	John Daoling	Do.	6	
	Daniel Daoling	Do.	7	
	Patrick Moran	Do.	6	
	Duncan Morrison	Blacksmith	4	
	Henry O'Hara	Justice of the Peace	5	
	James Perchar	Do. do. and Merchant	5	
	Edward Raby	Carpenter	5	
30	James Carter	Blacksmith	4	
	William Fingleton	Farmer	6	
	Patrick McKennon	Do.	3	
33	John Bond	Labourer	11	
34	Rev. William Arnold	Episcopal Minister	8	
			Total. 192	
1	Henry Millar	Whaler	6	From the head of the South side of the South-West Branch to the lower part of Sandy Beach.
	John Patterson	Farmer and Cooper	10	
	James Patterson	Whaler do.	—	
	Thomas Patterson	Do. do.	—	
	William Grant	Do. and Farmer	11	
	John Hackett	Farmer	5	
	Nicholas Mullan	Do.	4	
	John White	Do.	6	
	Joseph Languedoc	Do.	7	
10	James Fitzpatrick	Do.	4	
	Joseph Falle	Ship Builder	—	
	John Baker	Whaler	—	
	Charles Stewart	Do.	—	
	M. Oliver O'Hara	Farmer	3	
	John D. McConnell	Dep. Collector of Customs	10	
	Thomas Suddard	Farmer	11	
	John Adams, Senr.	Do.	5	
	Adam Williamson	Do.	—	
	George Miller	Do. and Whaler	6	
20	Robert Harbour	Do.	7	
	Edward Miller	Whaler	6	
	Thomas Miller	Do. and Farmer	8	
	William Harbour	Do. do	8	
	James Baker	Do.	2	
	William Baker	Do.	2	
	Robert Baker	Do.	3	
	Philip Alexander	Farmer	10	
	John Lefour	Do. and Miller	1	
	Edward Hoert	Do.	8	
30	David M'Gra	Do.	9	
			Total. 162	

NAMES of the Heads of Families, &c.—Continued.

Appendix (G.) 4th October.	Number of Heads of Families.	Names of the Heads of Families.	Business or Calling.	No. of Persons in each Family.	Name of Settlement.	Appendix (G.) 4th October.
	1	Charles Davies.....	Farmer and Millwright ..	10	From L'Anse aux Cousins to the head of the North-West Bay on the South side.	
		Benjamin Coffin .....	Do. ....	8		
		John Coffin .....	Do. ....	2		
		Bapt. Basque.....	Do. ....	4		
		Peter Argono .....	Do. ....	6		
		Henry Stanly .....	Do. ....	8		
		Edward Lafarrell.....	Do. ....	3		
	8	Joseph Scott .....	Do. ....	—		
				Total..41		
	1	Robert Simpson.....	Farmer .....	2	From the head of the North-West Bay on the North side to the last Settlement at Peninsula.	
		Hugh Cumming .....	Do. ....	7		
		Abraham Adams .....	Do. ....	7		
		John Adams, Junr.....	Do. ....	7		
		Thomas Langloise .....	Do. ....	7		
		John Rose, Senr.....	Do. and Stone Mason....	4		
		Daniel Cown .....	Do. ....	9		
		John Rose, Junr.....	Do. ....	5		
		John Sorseliel .....	Carpenter .....	4		
	10	Daniel Mosher.....	Millwright and Farmer....	8		
		Richard Mullan.....	Farmer and Whaler.....	8		
		Widow Coffin.....	Do. ....	8		
		Philip Mullan .....	Do. ....	3		
		George Annett .....	Do. ....	5		
		William Annett .....	Do. and Whaler.....	9		
		John Oscah, Junr.....	Do. do. ....	5		
		William Oscah.....	Do. do. ....	8		
		Robert Oscah .....	Do. ....	1		
		Richard Miller .....	Do. and Whaler.....	5		
	20	Francis Miller.....	Do. ....	4		
		John Oscah' Senr. ....	Do. ....	6		
		David Phillips.....	Carpenter .....	6		
	23	William Miller .....	Farmer.....	7		
				Total 135		

RECAPITULATION of the Population inside of Sandy Beach, including the Peninsula, on the 14th August, 1842.

SETTLEMENTS.	No. of Heads of Families.	No. of Per- sons in each Family.
From the head of the North side of the South-West Branch, to the residence of the Rev. William Arnold, near the Basin.....	34	192
From the head of the South side of the South-West Branch to the lower part of Sandy Beach.....	30	162
From L'Anse aux Cousins to the head of the North-West Bay on the south side.....	8	41
From the head of the North-West Bay on the North side, to the lower Settlement at the Peninsula.....	23	135
Total.....	95	530

(Signed)

JOHN EDEN,  
Post Master.

No. 34.

Answers of James Perchard, Esquire, J.P.  
Gaspé Basin, August 15th, 1842:

GENTLEMEN,

In answer to your questions of the 18th July I beg to return the following:—

First.—There are five Justices of the Peace residing near the settlement of Gaspé Basin, only three of them have qualified and act as Magistrates.

Second.—I have, during the last three years, been but seldom called upon to act in my capacity of Justice of the Peace, and the nature of the cases brought before me have been chiefly for assault and battery.

Third.—After the offended parties have made their depositions, a Warrant has been usually given to a Constable who has brought the offender before a Justice of the Peace.

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*Fourth.*—The Officers and Serjeants of Militia are rarely employed as Peace Officers, owing chiefly to their unwillingness to act in that capacity.

*Fifth.*—It has been usual for Justices of the Peace to discharge persons accused, on giving bail or security to keep the peace. It has sometimes had a bad effect; and I do not know of any steps that have ever been taken to recover any such securities when forfeited.

*Sixth.*—The number of convictions that have taken place in this neighborhood within the last three years have been but few, and not always carried into execution.

*Seventh.*—It has in general been found necessary to employ Special Constables to execute process and arrest, and convey to prison persons accused. But there is always a difficulty in procuring fit and proper persons for that purpose.

*Eighth.*—The greatest difficulties that now exist in arresting, securing and committing to prison persons accused, is owing in the first place to the great distance we are from the Gaol of Percé, and the unavoidable expenses in conveying such persons in a boat, there being no practicable road from here to Percé. The erection of a Gaol at Gaspé Basin would remove these difficulties.

*Ninth.*—General Sessions of the Peace have been held twice at Douglstown during the last three years in an old building belonging to Mrs. Johnston.

*Tenth.*—I believe that no Sessions were held in 1839, for want of a quorum of Magistrates, as some of them who had to cross the bay in a boat, were prevented from attending, owing to a strong N. W. wind.

*Eleventh.*—I have in general seen a sufficient number of Jurors in attendance at the Sessions.

*Twelfth.*—Bills of Indictment and verdicts of convictions have in most instances been obtained from the Juries on sufficient evidence being laid before them.

*Thirteenth.*—Offenders have occasionally escaped prosecution and conviction, chiefly through the indiscretion of some Magistrates who reside in the neighborhood of Percé, and who are in the habit of releasing all prisoners, and admitting every offender to bail.

*Fourteenth.*—It would certainly be very desirable to increase the number of Justices of the Peace if proper persons could be found to act as such, but in this neighborhood I only know the Rev. W. Arnold, who would be fit to act as Magistrate. As for the Officers of Militia, I do not think that any increase in their number would be of any service, as the present Officers have in general shown an aversion and unwillingness to act as Peace Officers.

*Fifteenth.*—General Sessions of the Peace should be held on the 15th of October at Gaspé Basin, instead of August at Douglstown. My reason for proposing a change of place is that Gaspé Basin is more easy of access; it is more central; it is the residence of nearly all the Magistrates who attend at the Sessions in this part of the District, and nearly all the persons fit to act as Jurors also reside in that neighbourhood; and my reasons for proposing a change of time is that August is the busiest month of the year to the fisherman, to the farmer and to the merchant, and consequently the loss of time to attend at the Sessions

in August is greater than it would be at any other season. In the summer months, also, nearly all the male population of this neighbourhood are absent on their whaling and other fishing voyages, and only return about the 1st October. We have, in consequence, now, in general, very poor Juries, and witnesses are frequently absent on their voyage when wanted to give evidence. It might also, perhaps, be desirable to have General Sessions of the Peace about the 25th March.

*Sixteenth.*—The duty of Clerk of the Peace might be provided for as at present.

*Seventeenth.*—I consider it very necessary to have a Gaol and Court Hall at Gaspé Basin, but the inhabitants are too poor to pay any part of the expense in the erection and subsequent maintenance and safe keeping thereof.

*Eighteenth, Nineteenth & Twentieth.*—It is my opinion that a more summary and cheaper mode of administration of justice in civil matters is much wanted in this District, but I must leave it to the wisdom and knowledge of the Commissioners to suggest and lay before Government the best and most effectual plan for the remedies and amendments that are so much wanted. I will simply say that the Civil Court should be held at Gaspé Basin on the 1st of October, instead of the 15th of August in Douglstown, for the reasons stated in answer to question *Fifteenth*. It would also be very desirable that the Civil Court should be held at Gaspé Basin about the 15th of March, as once a-year is much too little.

*Twenty-first.*—It would be very desirable to establish a local Rural Police at Gaspé Basin, but the inhabitants are unable to pay any part of the expenses.

*Twenty-second.*—The number of heads of families in the settlement of Gaspé Basin is ninety-five, and the number of persons is five hundred and thirty.

*Twenty-third.*—There is no road fit for carriages at or near Gaspé Basin: the only piece that can be called a road is that which leads from the Basin up the south-west arm, a distance of about five miles.

I have the honor to be,  
Gentlemen,  
Your most obedient servant,

(Signed,) JAMES PERCHARD.

Gaspé Basin, Aug. 15th, 1842.

Messrs. Cochran & Dumoulin,  
Commissioners of Inquiry.

No. 35.

*Answers of Charles Davis, Esquire.*

*Question First.*—No person now acts as Magistrate in the N. W. Branch.

*Second.*—I have not acted as Magistrate since the demise of William IV.

*Third.*—Complaints being made to the Magistrate, he summonses the offender to appear before him by a Constable.

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*Fourth.*—Officers and Sergeants of the Militia have not acted as Peace Officers for the last eight or ten years.

*Fifth.*—It is usual for Justices of the Peace to discharge persons accused, on giving bail or security to keep the peace; but I cannot recall to my recollection any instance when such securities have been forfeited, but in my opinion cases have occurred in which the bail has been forfeited, and no steps taken to recover it.

*Sixth.*—This question does not come within the sphere of my knowledge.

*Seventh.*—It has been found necessary, but not without trouble and inconvenience, to appoint and employ special Constables to execute process and arrest, and convey to prison parties accused.

*Eighth.*—The best mode of removing such inconveniences or difficulties, is to have a fit number of Constables or Peace Officers appointed to serve in regular succession.

*Ninth.*—General Sessions have been held annually the last three years at Douglastown, in an old building, formerly the dwelling house of the late Henry Johnston. This building, I am told, serves for a stable for cattle in the winter, and is only fit for a shade for them in the summer.

*Tenth.*—No Sessions would have been held the last year, had not Mr. Johnson of Point St. Peter come to Douglastown on business. Messrs. McConnell and O'Hara were the only Magistrates in attendance. It was strongly suspected by the Grand Jury that the other Magistrate absented himself through the persuasion of a certain Counsellor who wished to defeat the presentment of the Grand Jury. The Magistrates retired from the Court Hall in the evening for their respective homes, without an adjournment, while the Grand Jury were preparing their presentment.

*Eleventh.*—There has been, to the best of my knowledge, a sufficient number of Jurors summoned, and in attendance at the Sessions when held.

*Twelfth.*—I know of none.

*Thirteenth.*—Report tells me that offenders against the laws have escaped prosecution, but for what cause I cannot say.

*Fourteenth.*—I think that more Justices of the Peace are necessary, and that officers of the Militia serve as Peace Officers.

*Fifteenth.*—General Sessions of the Peace have been held, I think, as often as necessary, and that Douglastown is the most central place.

*Sixteenth & Seventeenth.*—A Court Hall in this part of the District appears to be absolutely necessary, if it can be effected without incurring any additional expense upon the District, which is already burdened beyond its means.

*Eighteenth.*—The existing procession by law for the administration of justice in these Districts in civil matters, and for bringing to justice the higher classes of criminal offences committed therein may be sufficient, if impartially and judiciously admin-

istered according to the present state of the District.

*Nineteenth.*—In civil matters, under the present system hitherto practised for many years, I beg to observe, by way of digression, a little from this question—it is ruinous to the interests of the poor inhabitants. The enormous fees attendant in the prosecution of cases even trivial has ruined many, and may be termed a species of robbery the most cruel in nature. I am informed that it is not uncommon for a certain Counsellor who practices at the Bar of our Courts, to take annually from the pockets of the Poor in this District four or five hundred pounds. I beg to state one case, and will make it as concise as possible. A neighbor of mine, Robert Simpson by name, a man of undoubted veracity, a few years ago was sued for a certain demand (an old debt which he declared had long since been paid). And on his appearance at Court, when his case was called, he denied the demand, and there being no person that could attest to the amount, he was told by the Honorable Bench that his case could not be decided that term, and that he was at liberty to go home, which he did. But after a few days he was informed that judgment, the morning after his appearance at Court, was given against him, which proved to be correct. The consequence was, an execution was levied upon his property, which consisted of six hundred acres of land, twelve or fifteen under cultivation, with a dwelling-house, barn, and other buildings, all of which went off under the Sheriff's hammer, for thirty-seven pounds, which was pocketed by Counsellor for the plaintiff. The said Robert Simpson, is upwards of eighty years of age; his wife is also very aged. They are homeless, destitute, and hopeless, trusting for maintenance to the charity of friends. Three hundred acres of the said land was given him for his services in the war with the Colonies of America. The other three hundred he purchased of one Captain Patterson, a Naval Officer, for one hundred pounds. This is one of the many cases of aggravated distress brought upon a harmless, defenceless, and innocent class of the community. Under the different items, or heads that now follow, I would, briefly remark, as I do not feel myself capable of laying down rules of judicature that might be judiciously adopted; it has been out of my line to be informed in these matters. I would think it advisable that we should have two Courts to take cognizance of civil matters—one of Superior and the other of Inferior jurisdiction. The Superior to be invested with powers somewhat more extensive than the one now in existence in these Districts, and to be under the management of two able Judges and other officers, as established in the like Courts, and to be held twice a year at the usual places, Percé and Douglastown. The Inferior Court to be invested with powers to take cognizance of all cases not exceeding twenty pounds currency; to be composed of a Sheriff, Clerk, Constable or Constables and three Magistrates on the Bench—and that this Court discard the practice of having Counsellors at its bar—that the Tariff of fees be fixed as moderate as possible. That this Court be held twice a year, one term in the summer and the other in the winter, at the usual places, Percé and Douglastown. That the General Sessions of the Peace be held as usual at the aforementioned places, and that one of the Judges of the Superior Court for civil matters, preside as Chairman; for under the present mode of proceeding, our Sessions are of but little use. Magistrates should be compelled to attend as well as Jurors. The poor inhabitants assemble from all quarters; some are obliged to travel from twenty to thirty miles, and to return home without doing any business, on account of no quorum of Magistrates. Hence crime has been suffered to pass off with impunity, and justice pushed out of the scale.

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I would not recommend any appeal from the Inferior Court, but should it subsequently appear that any case has not had a fair trial, that the Magistrates grant a second hearing, or that the case be submitted to arbitration, which decision shall be final. This Court might further be simplified, by granting powers to a single Magistrate to settle or determine all matters not exceeding five pounds, and that these minor cases be brought before him when the parties are prepared to submit their case. Something is necessary to be done to favour as much as possible poor labouring classes of the community, who are more or less involved in debt, from causes unavoidable; besides it is a maxim with the merchants and traders to keep creditors in their debt, in order that they may have them at their command.

We have no roads in this part of the District fit for wheel carriages any distance.

GENTLEMEN,

I am sorry that I have not had it in my power to devote more time to the questions submitted to me, but since I received them, I have scarcely had an hour that I could call my own before this day, and a messenger has just now informed me of your arrival at the Basin, therefore I hasten my imperfect work into your hands, and should anything be collected from it that will lead to an amelioration of our circumstances, I shall feel myself happily rewarded.

With due respect, I am  
Gentlemen,  
Your most obdt. h'ble servt.

(Signed, CHAS. DAVIS.

No. 36.

*Answers of Francis Ahier, Esquire.*

St. George's Cove, 15th August, 1842.

Hon. A. W. Cochran and P. B. Dumoulin, Esquire,  
Commissioners of Inquiry, &c. &c. &c.

GENTLEMEN,

I have the honor to acknowledge the receipt of your letter and questions of the 16th ult., and transmit herewith such answers as from my information in this County I consider to be the most appropriate.

I have the honor to be,  
Gentlemen,  
Your most humble,  
and obedient servant,

(Signed,) FRANCIS AHIER.

*Answer First.*—One, which is myself. I have qualified, and act as a Magistrate.

*Second.*—I have personally been called upon to act, perhaps twenty times. The cases before me were for assaults, battery, and threats, against persons and property.

*Third.*—First, a complaint is lodged against the offender, upon oath, and if the case appears worth notice, a Warrant is issued and given to a Constable or Serjeant of Militia, to bring the person before me, or any Justice of the Peace; then he is obliged to furnish security for his good behaviour, and to appear at the next Session, otherwise he is sent to Gaol; but it happens generally that bail is found

*Fourth.*—Constables are employed in executing process in criminal matters, but it is difficult sometimes to oblige them to leave their work in the summer, and go to Percé, and when they are called upon, they generally demand payment from the Justice of the Peace before acting.

*Fifth.*—Yes. And they generally appear before the Sessions.

*Sixth.*—I do not recollect how many convictions have taken place, for there have been many, and it has generally been utterly impossible to enforce them.

*Seventh.*—It has been found necessary, but sometimes impossible, and the offender has escaped. In one instance I was obliged to arrest a person myself.

*Eighth.*—The difficulty is the want of an efficient force to compel, and means of paying the Constables. To remove this difficulty, I think it would require good Police, or a Company of Soldiers that would always be ready when required.

*Ninth.*—The Sessions have been held once a year at Douglastown, in a very indifferent and unfit place.

*Tenth.*—Answered by the foregoing answer.

*Eleventh.*—Yes.

*Twelfth.*—The greatest difficulty is from the want of fit men upon the Jury, and it is difficult to find persons in the County fit to serve as Jurors. There are some, however, that are very well qualified.

*Thirteenth.*—I can relate one instance of a man that was sent to Gaol, being a dangerous character; when the time came for his trial, he was not to be found.

*Fourteenth.*—It would be desirable, but where to find them, I do not know.

*Fifteenth.*—I do not think it desirable that a General Session of the Peace should be held more than once a year, with such Jurors; but I think it would be very desirable that a Criminal Court for the highest class of offences should be held once a year.

*Sixteenth.*—By appointing a suitable person to do the duty.

*Seventeenth.*—I consider it necessary that the number of Gaols and Court Halls should be increased in the County, and in my humble opinion, Gaspé Basin is the best place for a strong and well secured one, then Percé Gaol could do for that place, but a Lock-House would be wanted at or near St. George's Cove. The Provincial Parliament should pay for them all.

*Eighteenth.*—I do think it very advisable to appoint one or more High Constables, particularly for St. George's Cove. The Provincial Parliament should pay for them all.

*Nineteenth.*—As to the population, I beg to hand a statement in answer to the question.

*Twentieth.*—Between St. George's Cove and Grand Grève, the road would be made both bridle and carriage road with little expense; but from thence to Ship Head, and again to Cape Rosiers and Fox River, there is only a foot path; and from Fox River to Cloridorme it is over the beach at low water, that travellers have to perform the journey.

(Signed) P. A.

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No. 37.

Answer of N. Dumaresq, Esquire.

Grand Grève, 19th July, 1842.

GENTLEMEN,

Annexed herewith, is the answers to the different questions which I have received from you, relative to the establishment, and which I now beg to hand you with.

I remain respectfully,  
Gentlemen,  
Your most obedient,  
Humble Servant,

(Signed,) NICH'S. DUMARESQ.

To the Honourable Commission-  
ers for the District of Gaspé,  
St. George's Cove.

*First.*—I have been employed in this establish-  
ment for the space and time of three years.

*Second.*—It is within my knowledge that Mr.  
Janvier has suffered loss, in consequence of his  
agents finding too much difficulty and delay in ob-  
taining judgment against debtors.

*Third.*—The amount of debts to this establishment  
is upwards of £5000, of which £4000 at the least  
are to be considered as total loss.

*Fourth.*—As to those persons who had stolen pro-  
perty out of Mr. Janvier's stores, those individuals  
were brought to trial and found guilty, by the Grand  
Jury, the Petty Jury acquitted them, notwithstand-  
ing the strong proofs, and confession of one of the  
criminals. No later than last year, another in-  
stance of the same kind happened to this establish-  
ment. A store was broken into at Anse au Griffon.  
and the amount of property stolen exceeded £50  
currency. The person or persons were not found  
out, for want of a sufficient Police in that part of  
the County. Had there been a proper officer, I  
have not the least doubt, that, owing to the strong  
suspicion entertained by the neighbours, he might  
have succeeded in discovering the delinquent. In  
my opinion, if proper regulations are not adopted  
in this County very soon, to protect the merchants,  
it will be impossible to carry on any business, as  
the planters are regardless of the laws. In fact,  
many who used to traffic on this coast, have alrea-  
dy abandoned; not able to make their regular re-  
turns through the waywardness of the inhabitants.

(Signed,) NICH'S. DUMARESQ.

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No. 38.

PROTHONOTARY'S RETURN OF ACTIONS INSTITUTED IN THE COUNTY OF BONAVENTURE DURING THE LAST THREE YEARS.

COUNTY OF BONAVENTURE.—ACTIONS returnable at NEW CARLSLE, Term of September, 1839.

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of demand.	Whether contested.	Whether tried by a Jury.	Judgment, and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
James Robin, et al. vs. Jean Chapados	1839. July 16th, and writ of summons ad respondentum	11th Sept. 1839	Returned	Balance of account	£ s. d. 3 11 7½	Not contested	No	£3 11 7½, with interest from service, and costs, payable in three months, by monthly instalments.	No	Not appealed	No appeal.
James Robin, et al. vs. Abraham Chapados	do	do	do	do	8 12 9½	do	do	£8 12 9½, do	do	do	do
Daniel Maret vs. André Loisel, Senior.	July 23rd, do	do	do	do	2 0 5	Contested	do	Action dismissed, with costs.	do	do	do
Daniel Maret vs. André Loisel, Junior.	do	do	do	do	2 4 8	do	do	do	do	do	do
David LeBoutillier vs. Hector Ross.	Sept. 3rd.	do	do	do	10 10 5½	No	do	Upon confession, for £10 10s. 5½d. payable in three months.	do	do	do
Fabien Babineau, et al. vs. David Leblanc	do 5th	do	do	Amount of account	7 17 9	Default case	do	£7 17 9	do	do	do
John Whitten, Junior vs. Stanislaus Roussey.	do 6th.	do	do	Damages, assault and battery	11 0 0	Contested.	do	The action was withdrawn on payment of costs	do	do	do
Pierre Winter vs. Petter Collin	do do	do	No return.								
Hubert Parisi. vs. Jean Chapados	do 9th.	do	Returned	Amount of account.	1 5 0	do	do	£1 5 0	do	do	do

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James Chatterton. vs. John Landreth.	do do	do do	do	do	0 8 9	do	do	{ Settled, each party paying their own costs... }	do	do	do
John McCinnis. vs. Thomas Kafter.	do 6th.	12th do	do	{ Balance of Promissory Note... }	10 0 0	No	do	£10 0 0	do	do	do
James Whitten vs. André Castillon.	do 10th.	do	do	Amount of Account.	0 9 4	No	do	£0 9 4	do	do	do
Godefroy Chaillon. vs. Augustin Mercure.	do 7th, do	do	do	do	2 15 8	Contested.	do	Pending.	do	do	do
Godefroy Chaillon. vs. Pierre Loiset.	do.	do	do	do	0 11 0	do	do	do	do	do	do
Godefroy Chaillon. vs. Joseph Duguay.	do	do	do	Action of Account	0 7 0	do	do	Settled.	do	do	do
Wm. McPherson et al. vs. John Madages	do.	13th do	do	do	1 10 0	do	do	£1 2 6	do	do	do
John Madages vs. Wm. McPherson.	do 11th.	do	do	do	2 0 0	do	do	£2 0 0	do	do	do
John Day vs. François Lajois.	do 12th.	16th do	do	Promissory Note.	5 0 0	do	do	{ £5 0 0 and three months delay }	do	do	do
John Whitten, jun. vs. Stanislaus Roussey.	do 13th.	do	do	Assault and Battery	11 0 0	do	do	£5 0 0 and costs	do	do	do
Benoni Chapados, et al. vs. Isabel Loisel	do.	do	do	Damages for defamation	10 0 0	do	do	£1 10 0	do	do	do
David Le Boutillier vs. Theophile Duguay	do.	do	do	Balance of account	4 13 8½	do	do	£4 13 8½	do	do	do
James Day vs. Simon Talbot.	do.	18th do	No return.		0 10 0	No.					
Pierre Winter vs. Louis Sire	do 7th	do	Returned	{ Fees and amount of account }	2 0 0	Contested	do	{ The action withdrawn, on payment of costs... }	do	do	do

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COUNTY OF BONAVENTURE.—ACTIONS returnable at NEW CARLISLE, Term of September, 1839.

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of demand.	Whether contested.	Whether tried by a Jury.	Judgment, and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Michael Donally vs. William Power	17th September, 1839	19th September	Returned	Amount of account	0 13 0	Contested	No	£0 13 0	No	None	None
Timothy Parisé vs. Louis Denis, jun.	19th do	23d do	do	{ En réintégrandes } { damages }	10 0 0	do	do	{ Plaintiff maintained in his property, and defendant forbidden to trouble the plaintiff in the possession of his lot; and further ordered to give up the said possession, and to pay 5s. damages, and costs }	do	do	do
William Bragg vs. Peter Winter	20th do	do	do	Balance of account	1 16 6	do	do	£1 11 7	do	do	do
Etienne Marlet vs. Romain Le Brasseur	21st do	26th do	do	{ Fees and balance } { of account }	2 0 0	No	do	£2 0 0	do	do	do
John Wiseman vs. Martin Sheppard	do	23d do	do	Balance of account	1 16 0	Contested	do	Action dismissed, with costs.	do	do	do
Jamés Raftér vs. Michael Cassidy	19th do	24th do	do	Amount of account	2 5 0	do	do	Settled	do	do	do
Pierre Winter vs. William Carter	21st do	26th do	do	do	3 10 0	No	do	Pending	do	do	do
Charles Hunter vs. Peter Normandeau	7th do	do	do	do	2 18 0	do	do	£2 18 0	do	do	do
Isaac Collin vs. Peter Normandeau	do	do	do	do	3 0 0	do	do	Pending	do	do	do
Isaac Collin vs. Patrick Normandeau	do	do	do	do	7 10 0	do	do	do	do	do	do

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Thomas Enright vs. John Dea	23rd do	do	do	do	1 15 0	do	do	Upon confession, for £1 15 0	do	do	do
Duncan Hay vs. Asa Bebee	24th do	do	do	do	2 5 0	do	do	Pending	do	do	do
Duncan Hay vs. Pierre Fournier	21st do	27th do	do	do	9 18 4	do	do	do	do	do	do
Duncan Hay vs. Augustin Mercier	do	do	do	do	4 16 4	do	do	do	do	do	do
Philip Mourant vs. George Heath	26th do	28th do	do	Balance of account	4 7 3	do	do	£4 7 3	do	do	do
George Heath vs. Martin Sheppard	27th do	30th do	do	do	3 15 0	Contested	do	£3 15 0	do	do	do
John Murray vs. Philip Mourant	28th do	do	do	do	1 3 3	No	do	£1 3 3	do	do	do
William Caret vs. James Cassidy	7th do	11th do	do	do	3 2 6	Contested	do	Dismissed, with costs.	do	do	do
<i>Superior Court.</i>											
Norman McLeod vs. Samuel Russel	8th July. Capias and saisie arrêt simple	do	{ Settled before return }	Assumpsit	27 0 0	do	do	do	do	do	do
Robert Wiseman vs. Arthur Ritchie, and al	6th August. Summons ad respondentum	do	Returned	do	38 0 0	Yes	do	do	do	do	do
Edward Wiseman vs. Arthur Ritchie, and al Ham for Defendant	do	do	do	do	60 0 0	do	do	do	do	do	do
John McIntyre vs. Arthur Ritchie, and al Ham for Defendant	do	do	do	do	50 0 0	do	do	do	do	do	do

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COUNTY OF BONAVENTURE.—Actions returnable at NEW CARLISLE. Term September, 1839.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
Joseph McIntyre vs. Arthur Ritchie and al. Ham for Defendant.	6th August. Summons ad respondentum.	11th Sept. 1839.	Returned.	Assumpsit.	£ 45 0 0	Yes	No	Dismissed with costs.	No	None	None.
David Le Boutillier vs. Philip Sternes	4th Sept. and do.	do	do	do	11 10 1½	No	do	£11 10 1½	do	do	do
James Robin and al. vs. Martin Sheppard Ham—Defendant.	5th do	do	do	do	37 19 0 and interest.	Yes	do	{ For £33, with interest on £24 3s. 4d. from 20th September, 1838 }	Appealed.	Affirmed with costs.	do
James Woolsey Maret vs. David Le Blanc.	do	do	do	do	46 2 5	Confession.	do	£46 2s 5d	No	None	do
Anthony Clarke vs. John Hamilton Ham—Defendant.	do. Capias ad respondentum.	do	do	do	30 0 0	do	do	Action dismissed with costs.	do	do	do
John Le Boutillier vs. Wm. Huntington.	6th do. sum. ad. resp.	do	do	do	18 11 0	No	do	{ Confession of judgment for £16 13s 0d }	do	do	do
Amara Bebee and al. vs. Peter Winter Ham—Plaintiff.	7th do	do	do	do	50 0 0	Confession	do	£50 0 0	do	do	do
Arthur Ritchie vs. Thomas Curry	11th July. Capias and saisie arret simple.	do	No return.	do	68 0 0	do	do	do	do	do	do
Pierre Mercure vs. David Pointier.	11th Sept. Summons ad resp.	17th do	Returned.	do	20 0 0	Default	do	Pending.	do	do	do
James Robin and al. vs. Philip Angiehart.	18th do	do	do	do	55 0 0	Confession.	do	£55 0 0	do	do	do

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NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
William Bragg vs. F. J. M. Collard Ham, Defendant.	21st do. saisie arret.	25th do	do	do	11 12 1	Contested	do	£11 12 1	do	do	do
Leger Lambert, Isaac Man vs. Robert Christie, Esq. Ham for Plaintiff.	13th Sep. Saisie arret.	26th do	do	Sa. arret after judgment.	46 18 2	No	do	{ £46 18 2. Interest on £38 7 6 }	do	do	{ The original action of Lambert vs. Man, was brought in the County of Gaspe. The s. a. was made returnable in the County of Bonaventure. }
Ann McGear vs. William Gallon.	26th Sept. Summons ad respondentum.	30th do	do	En réintégrand.	25 0 0	Ex parte.	do	{ Maintaining plaintiff, esq. in possession of the land in question, and condemns the defendant to pay the plaintiff the sum of fifteen pounds, damages }	do	do	No appeal.
Ann McGear vs. John Gallon.	do	do	do	do	25 0 0	do	do	do	do	do	do
Inferior.—March Term, 1840.											
Joseph Thompson vs. Victor.	14th October, 1839. Summons ad respondentum.	1st March, 1840	do	Assault and battery	11 0 0	Contested	No	{ Action dismissed, each party paying their own costs }	do	do	do
James Robin, et al. vs. Isaac Roussy.	9th January, 1840.	do	do	Assumpsit	6 16 3	No	do	Upon confession for £6 16 3	do	do	do
Charles Ferret vs. Jean Lavoy.	11th do	do	do	Notes.	5 13 10	do	do	Confession for £5 13 10	do	do	do
Edward Smith vs. David McKey.	9th November, 1839.	2nd do	do	Amount of account	1 4 6	do	do	{ The parties having settled, judgment for the costs }	do	do	do
Philip Mourant vs. Gregoire Parisé.	9th December.	do	do	do	1 10 0	do	do	£1 10 0	do	do	do
Lewis David vs. Lewis Dubord.	26th February, 1840.	do	do	do	1 7 6	do	do	£1 7 6	do	do	do
David LeBoutillier vs. Peter Winter.	2nd March	6th do	do	Balance of account	5 17 8½	do	do	Upon confession for £5 17 8½	do	do	do

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COUNTY OF BONAVENTURE.—Actions returnable at NEW CARLISLE, March Term, 1840.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of demand.	Whether contested.	Whether tried by a Jury.	Judgment, and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
George Ridout vs. Donald McDonald.	11th September.	14th September.	Returned	Account	£ s. d. 0 17 6	Default	No	£0 17 6	No	None	None
François Duguay vs. Rémi Paré.	do	do	do	do	0 6 9½	do	do	Settled	do	do	do
William L. Podavin vs. Thomas Rafter.	do	do	do	do	2 8 3	Contested	do	Dismissed	do	do	do
James Cassidy vs. Jacques Fournier.	16th do	18th do	do	do	2 1 9	do	do	£1 11 9	do	do	do
Henry O'Hara vs. Charles Dobson.	do	do	do	do	4 8 6	do	do	Pending	do	do	do
George Jennie vs. J. A. P. Vincent.	21st do	23rd do	do	Assault and battery	11 0 0	do	do	£0 14 9	do	do	do
Jean Lamy vs. Joseph Madame.	19th do	24th do	do	Account	0 15 5½	do	do	Pending	do	do	do
Simon Loisel vs. Laurent Huard.	23rd do	do	do	do	0 14 9	do	do	£0 14 9	do	do	do
Hugh Montgomery vs. Jacques Cassidy.	24th do	26th do	do	Saisie arrêt	8 14 0	do	do	£3 16 11	do	do	do
Jeremiah O. Shea vs. Michael Molloy.	do	do	do	Account	4 8 3	do	do	£1 8 3	do	do	do
William Powers vs. John Whitton.	do	do	Settled before entry.								

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James Ferguson Winter vs. William Powers			No return.								
Victor Jennie vs. Thomas Gale.	6th November, 1840	1st March, 1841	Returned	Account	10 13 0	do	do	£8 13 0	do	do	do
Martin Sheppard vs. George Anez	17th March, 1841	19th do	do	do	6 15 0	do	do	£4 15 0	do	do	do
Etienne Martel vs. John Loisel	26th February	1st do	do	do	2 7 6	Default	do	£1 7 6	do	do	do
Michael Cassidy vs. Charles Batard	15th do	3rd do	do	do	2 0 0	do	do	£2 0 0	do	do	do
Edward Smith vs. Laurent Bourdages	do	do	No return.								
John Whitton vs. Laurent Huard	26th do	10th do	Returned	do	0 10 6	do	do	Pending	do	do	do
Bartholomew Ray vs. John Billingsley	1st March	do	do	Special	10 0 0	Contested	do	do	do	do	do
Timothy Harrington vs. Charles Fores.	do	do	Settled.								
Timothy Harrington vs. John Cary	do	do	Returned	Account	4 7 6	do	do	£3 0 0	do	do	do
Timothy Harrington vs. François Levêque.	do	do	do	do	8 11 2	Default	do	Pending	do	do	do
William Brags vs. John Sullivan	6th do	do	do	do	2 0 0	Contested	do	do	do	do	do
George Jenne, and J. A. P. Vincent vs. J. Hordley, J. S.	10th do	12th do	do	Saisie arrêt	5 2 6	do	do	£5 2 6	do	do	do
Edward Smith vs. John Byers	8th do	13th do	do	Account	0 4 0	Default	do	£0 4 0	do	do	do

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COUNTY OF BONAVENTURE.—Actions returnable at CARLETON, Term July, 1841.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
<i>Inferior.</i>											
Henry Cier... vs. J. Alex. Smith.....	12th May, 1841.	1st July, 1841.	No return.	Account	£7 10s.	Contested	No	Pending	No	None	None
William Brags... vs. François Garant .....			do	do	£3 14s. 11½d.	Default	do	do	do	do	do
William Brags... vs. James Day.....			Returned	do	£2 7s. 9½d.	Contested	do	do	do	do	do
Michael Cassidy... vs. Daniel Foster.....	1st June	do	do	do	£2 14s.	Default	do	Settled.	do	do	do
Wm. Brags... vs. Samuel Hawkins .....	11th do	do	do	do	£1 11s. 0d.	Contested	do	£1 10 0	do	do	do
Wm. Brags... vs. James Russel.....	23d do	do	do	do	£1 6s. 6d.	do	do	Settled.	do	do	do
James Cassidy... vs. William Flowers.....	26th do	do	do	do	£5 10s. 0d.	Default	do	Pending	do	do	do
Joseph Turnbull... vs. Joseph Johnston .....	25th do	do	do	do							
Abraham Le Couffe... vs. Charles Forrest.....	do	do	Settled.	do							
John Wiseman... vs. André B. Rousseau.....	do	do	do	do							

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John Wiseman... vs. François Duguay.....	26th do	5th do	Returned	do	0 5 8	Default	do	do	do	do	do
Henry Caldwell... vs. John Gilliker.....			Settled.								
<i>Superior Term at New Carlisle, 1841.</i>											
<i>Inferior.</i>											
Etienne Castillon... vs. Patrick Hughes.....	21st do	11th September	Returned	Revendication	1 0 0	Contested	do	£1 0 0	do	do	do
William Langier... vs. William McAdams.....	4th September	do	do	Common Court	11 1 9	do	do	Withdrawn.	do	do	do
Nicholas Allard... vs. Nicholas Cayanaugh.....	9th do	do	do	do	2 10 0	do	do	Pending.	do	do	do
William Carter... vs. John J. Caldwell.....	do	do	do	do	9 0 0	do	do	do	do	do	do
Nicholas Allard... vs. Charles Gauthier.....			Settled.								
Adam Smith... vs. Philip Angenart.....	do	do	Returned	do	1 4 3	Default	do	£1 4 3	do	do	do
Adam Smith... vs. John Loisel.....	do	do	do	do	0 12 6	do	do	£0 12 6	do	do	do
Adam Smith... vs. Joseph Maldamai.....	do	do	do	do	0 14 1	Contested	do	£0 13 4	do	do	do
Nicholas Allard... vs. J. Baptiste Lavache.....	11th do	13th do	do	do	8 1 7½	Default	do	£8 1 7½	do	do	do
Nicholas Allard... vs. Hubert Bernard.....	do	do	do	do	2 13 4	do	do	Pending.	do	do	do
Nicholas Allard... vs. Ubalde Bourge.....	do	do	do	do	0 11 11	Contested	do	£0 11 11	do	do	do

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COUNTY OF BONAVENTURE.—ACTIONS returnable at NEW CARLISLE, September Term, 1841.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from	Judgment in Appeal.	Costs in Appeal.
Nicholas Allard vs. Alexander Bernard	11th September	13th September.	Returned	Common count	£ s. d. 1 16 0½	Contested	No	£0 16s. 0d.	No	None	None.
Nicholas Allard vs. François Paquette	do	do	do	do	0 15 9	do	do	Pending	do	do	do
Nicholas Allard vs. Louis Bourdages	11th February, 1842	1st March, 1842	do	do	0 14 3	do	do	£0 14s. 3d.	do	do	do
John Walsh vs. John Maddagan	9th September, 1841	14th Sept. 1841	do	do	4 5 0	Default	do	£4 5s. 0d.	do	do	do
William McRae vs. Hector Ross	14th do	16th do	do	do	2 7 6	Contested	do	£2 7s. 6d.	do	do	do
Etienne Martel vs. Luc Huard			Withdrawn.								
John McKisock vs. Jean Duguay	21st do	23d do	Returned	do	2 1 0	do	do	Dismissed	do	do	do
David Le Boutillier vs. Jacques Angdehart	16th do	24th do	do	do	5 1 4	Default	do	£5 1s. 4d.	do	do	do
Robert Smollett vs. Michael Cassidy	22nd do	do	do	do	2 11 0	Contested	do	£2 3s. 9d.	do	do	do
N. F. Boissonnault vs. François Le Jois	do	do	do	do	1 5 0	do	do	£1 5s. 0d.	do	do	do
François Duguay vs. Gilbert Roussey	20th do	25th do	do	Assault and battery	10 0 0	do	do	£2 0s. 0d.	do	do	do

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Nicholas Boissonnault vs. John Renouf	do	do	do	Common Count	1 16 5½	do	do	Pending	do	do	do
Rose Duguay vs. Jean Vincent	23rd do	do	do	Saisie arrêt	2 1 0	do	do	do	do	do	do
François Paquette vs. Benjamin Sic			Settled.								
Amasa Bebes, Junr. vs. Louis Paquette	24th do	27th do	Returned	Note	7 3 7½	Default	do	£7 3 7½	do	do	do
John Whitton vs. Martin Sheppard	25th do	do	do	Common Count	3 18 6	Contested	do	Withdrawn.	do	do	do
Henry Caldwell vs. John Whitton	27th do	29th do	do	Note	2 10 6½	do	do	£2 10 6½	do	do	do
N. F. Boissonnault vs. J. Alexander Smith	do	do	do	do	1 0 6	do	do	£1 0 6	do	do	do
Robert W. Fitton vs. Patrick Meagher	23rd do	30th do	do	Assault and battery	10 0 0	do	do	Withdrawn.	do	do	do
March Term at New Carlisle, 1842. Inferior.											
William McLeod vs. George Holbert			No return.								
Robert W. Fitton vs. James Chisholm			do								
James Cassidy vs. Gilbert Frelatvé			Settled.								
William Bragg vs. François Gerant			No return.								
William Bragg vs. James Day	12th May, 1842	1st March, 1842	Returned	Common Count	7 10 0	do	do	Pending	do	do	do

COUNTY OF BONAVENTURE.—Actions returnable at NEW CARLISLE, March Term, 1842.—(Continued.)

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NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, or discontinued.	Nature of Action.	Amount of demand.	Whether contested.	Whether tried by a Jury.	Judgment, and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
Nicholas Allard vs. Louis Boudages.	15th February.	1st March, 1842.	No return.	Common count.	£ 9 17 6	Contested	No	Pending.			
Hubert Frelatte vs. Joseph Z. Page	do	do	Returned	do	1 7 6	Default	do	£1 7s. 6d.	No	None	None.
Xavier Capron vs. James Day	do	do	do	do	1 15 0	do	do	£1 15s. 0d.	do	do	do
William Wilson vs. François Le Lois	19th do	do	do	do	0 6 0	Contested	do	£0 5s. 0d.	do	do	do
John Whitton vs. James Le Brasseur.	do	do	do	do	1 14 4	do	do	£1 14s. 4d.	do	do	do
Xavier Caron vs. John Whitton.	22d do	do	do	Note	0 19 6	Default	do	£0 19s. 6d.	do	do	do
François Leroque vs. Edward Glazer.	do	do	do	Common count.	3 18 0½	Contested	do	£2 19s. 10½d.	do	do	do
George Heath vs. Joshua Bebee	do	do	do	do	5 7 8	Default	do	£5 7s. 8d.	do	do	do
Philip Mourant vs. Thomas Gale.	14th January	do	do	do	11 0 0	Contested	do	£11 0s. 0d.	do	do	do
William Langer vs. William McHains.	26th February	do	do	do	11 0 0	Contested	do	£11 0s. 0d.	do	do	do
Wm. Langle vs. Asa Bebee.	5th March.	9th	do	do	11 0 0	do	do	£11 0s. 0d.	do	do	do

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J. F. Winter vs. Charles Le Rocque.	8th do	10th	do	do	1 3 3	do	do	£1 3s. 3d.	do	do	do
J. F. Winter vs. John Le Rocque	do	do	do	do	0 19 1½	do	do	£0 19s. 1½d.	do	do	do
James F. Winter vs. Germain Huard	do	do	do	do	2 14 1½	do	do	£2 14s. 1½d.	do	do	do
J. F. Winter vs. John Gallan.	do	do	do	do	5 9 7	do	do	Pending.	do	do	do
Edward Smith vs. Fabien Duguay	do	do	do	do	0 15 0	do	do	do	do	do	do
Bartholomew Ray vs. Andrew Chisholm.	do	do	Settled.	do							
J. F. Winter vs. John Duguay	do	11th	Returned	do	0 13 1½	do	do	£0 13s. 6d.	do	do	do
James Robin and al. vs. Henry Forsythe.	9th do	do	do	do	4 4 9	do	do	£4 4s. 9d.	do	do	do
François Paquette vs. Ephraim Cormier	8th do	14th	do	do	1 10 0	do	do	Judgment for costs only.	do	do	do
François Lejois vs. John Whitton.	11th do	14th	do	do	0 15 0	do	do	Pending.	do	do	do
Edward Smith vs. James Bendwell.	do	16th	do	do	2 16 0	Default	do	£2 11s. 0d.	do	do	do
Edward Smith vs. Wm. Dempster.	do	do	do	do	0 17 10	do	do	£0 17s. 10d.	do	do	do
Jean Lamy vs. Fabien Duguay.	15th do	17th	do	do	0 13 1	do	do	Judgment for costs only.	do	do	do
Henry Caldwell vs. Joseph Mirand.	do	do	do	Note.	5 0 0	do	do	£5 0s. 0d.	do	do	do

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COUNTY OF BONAVENTURE.—Actions returnable at New Carlisle, March Term, 1842.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
Joseph Mirand vs. Patrick Fitzgerald	16th March, 1842	18th March, 1842	Returned	Note	0 19 0	Contested	No	£0 19 0	No	None	None
David McKay vs. Edward Smith	do do	do do	No return.	Common count	6 2 6	do	do	Pending			
J. F. Winter vs. Anne McGear.	do do	do do	Returned	Common count	5 0 0	do	do	do			
<i>Carlisle Term, July 1, 1842.</i>											
<i>Inferior.</i>											
Patrick Morgan vs. William Forsythe	do do	1st July	Returned	Revdication	0 10 0	do	do	do			
Joseph Vallman vs. William Gallaher	do do	do do	do	Common count	5 3 10	do	do	do			
Victor Caron vs. Paul Caron	16th April	do do	do	Note	3 15 0	do	do	do			
William Hall vs. Frederick Smollette	9th do	do do	do	Revdication	3 15 0	do	do	do			
Amand Babin vs. James Day	18th May	do do	do	do	3 15 0	do	do	do			
Bruno Babin vs. James Day	do do	do do	do	do	3 15 0	do	do	do			
Jacques Fournier vs. James Day	do do	do do	do	do	3 15 0	do	do	do			

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NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
Daniel Marrell vs. William Day.	23rd June, 1842	do do	do	Common count	1 7 7	Default	do	do			
Alexander McDonald vs. Isaac Rousey	do do	do do	No return.	do	10 0 0	Contested	do	Judgment for costs only.			
Joseph G. Lebel vs. Jean Bertheloth.	1st July	4th do	Returned	Assault	2 3 8	do	do	£2 8 3	do	do	do
James Robin, et al vs. Mathurin Le Blanc	do do	do do	do	Account	26 0 0	do	do	£10 3 6.			
<i>March Term at New Carlisle, 1840.</i>											
<i>Superior.</i>											
Stanislas Rousey, Jean Lamy vs. J. M. Collard.	25th Feb'y, 1840. Saisie arret	2nd March, 1840	do	Assumpsit	100 0 0	Default	do	Withdrawn.			
John Pollock vs. Joseph Magher	15th do Assumpsit	do do	do	do	12 0 0	do	do	£11 19 6.			
Etienne Martel vs. James Shannon.	12th Dec'r, 1839. Assumpsit	do do	do	Debt	31 15 5	Ex parte	do	£20 11 9.			
J. B. Dumouchelle vs. Amasa Bebee, Curator.	25th Feb'y, 1840. Ad respondendum.	do do	do	Assumpsit	67 5 10	No plea	do	£67 5 10.			
Joseph Magher vs. Arthur Ritchie, Curator	26th February	do do	do	do	60 0 0	Confession	do	£40 0 0.			
Arthur Ritchie vs. Stephen Fall	27th do	do do	do	Debt	55 0 0	do	do	£55 0 0.			
George Ridout vs. George Ridout	3rd March. Ad respondendum	do do	do	Assumpsit	13 0 2	do	do	£13 0 2.			
Joseph Magher vs. David Poirer, J. M. Collard	16th March. Ad respondendum	do do	do	do	15 0 0	do	do	Pending.			
Joseph Magher vs. James Chisholm, J. M. Collard	16th March	do do	do	do	49 0 0	do	do	do			
Laurent Bourdages vs. Felix Arbour	do ad respon.	do do	do	do		do	do	do			

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COUNTY OF BOYAVENTURE.—ACTIONS returnable at CARLETON, July Term, 1840.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from	Judgment in Appeal.	Costs in Appeal.
<i>Superior.</i> Francis Ferguson vs. William Carter and al.	15th April, ad resp.	1st July	Returned	Debt	100 0 0	Contested	No	Pending.			
John Le Bontillier vs. Gilbert Roussey	do	do	do	Assumpsit	41 0 0	Default	do	do			
Thomas Verge. Hilary Michaud	22d do arrêt simple	do	do	do	42 3 11	do	do	do			
John Pollock and al vs. Joseph Magber.	2d July	6th do	do	do	100 0 0	No plea	do	do			
Peter Winter vs. Ann Bariso	26th June, ad resp.	10th do	do	Debt	50 7 1½	do	do	do			
<i>Term at New Carlisle, 11th Sept. 1840.</i> <i>Superior.</i> Arthur Ritchie, and al vs. Hilary Michaud	7th July, 1840, ad respondendum	11th Sept. 1840.	do	do	79 9 4	Default	do	£70 9s. 4d			
Philip Maurant vs. James Wyley	11th Sept. ad resp.	15th do	do	Assumpsit	23 0 0	Contested	do	Pending.			
James Shear. vs. Peter Winter	18th do. ad resp.	22d do	do	Debt	27 10 0	Default	do	£27 10s. 0d			
Thomas Maddagan. vs. John Maddagan	17th do	23d do	do	Petitoire	12 0 0	Contested	do	Pending.			

Jacques Tredette vs. James Gillis	19th do	26th do	do	Réinté grande	30 0 0	do	do	{ Maintaining Plaintiff in possession. Ordering Defendant to abstain from troubling possession; and also to give up possession in 15 days, with 5s. damages & costs }	Appealed	No Judgment.	
<i>Term at New Carlisle, March, 1841.</i> <i>Superior.</i> Arthur Ritchie. vs. David Ross	19th October, 1840 ad respondendum	1st March, 1841.	do	Assumpsit	13 0 0	do	do	Pending.			
Robert McIntosh. vs. George Brown, in person	3d March, 1841. ad respondendum	10th do	do	do	38 0 0	do	do	do			
<i>Term at Carleton, 1st July, 1841.</i> <i>Superior.</i> Etienne Martel vs. Andrew Smith	16th March	1st July	do	Debt	11 13 4	Default	do	£11 13s. 4d.			
Jacques Lamy vs. John McAdams	19th April, Saisi arrêt	do	do	do	35 12 2	do	do	Pending.			
J. R. Shear vs. John J. Caldwell	23d June	do	do	En délivrance	100 0 0	do	do	{ Judgment according to conclusions of the declaration. }			
Aubin Couffe vs. Laurent Bourdages	do ad respond.	do	do	Debt	25 0 0	Contested	do	£25 0s. 0d.			
<i>Term at New Carlisle, 11th Sept. 1841.</i> <i>Superior.</i> John Murray vs. Jacques Lamy, in person	7th Sept. ad respond.	11th Sept.	do	Assumpsit	20 0 0	do	do	Pending.			
Jacques Alexander vs. Charles Arthur	do ad respond.	do	do	do	45 0 0	do	do	do			



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COUNTY OF BONAVENTURE.—ACTIONS returnable at NEW CARLISLE. September Term, 1841.—Continued.

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Joseph N. Bossé vs. Joseph G. Le Bel	16th Sept'r, 1841. Ad respondendum	11th September	Returned	Debt	£ 45 0 0	Confesses Judgment	No	£45 0 0.			
Archibald Kerr vs. Edward Langan, in person	15th September	24th do	do	Damages	30 0 0	Contested	do	£27 10 0.			
Peter Steward vs. James Anderson	do do	30th do	do	do	35 0 0	do	do	£16 0 0, in confession.			
<i>Term at New Carlisle, 1st March, 1842.</i>											
<i>Superior.</i>											
David Ramsay vs. Arch. Boissonault	26th Feb'y, 1842. Ad respondendum	1st March, 1842	do	Assumpsit	100 0 0	do	do	Pending.			
William Braggs vs. James R. Shear	26th February	do do	do	do	35 0 0	do	do	£33 1 5.			
William West vs. Philip Mourant	16th June	1st July	do	Debt	25 3 0	Confession	do	£25 3 0.			
Arthur Ritchie vs. Anne Henry	27th do	do do	do	Assumpsit	14 0 0	Contested	do	Pending.			
Arthur Ritchie vs. George Willet	1st July	4th do	do	do	50 0 0	Confession filed	do	£50 0 0.			
James Marin vs. William Houston	do do	5th do	do	En réintégrand	60 0 0		do	Pending.			
Hubert Gondebout vs. Joseph Queessy, in person	2nd do Assumpsit	6th do	do	Debt	25 0 0		do	Judgment by confession.			

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PROTHONOTARY'S RETURN OF ACTIONS INSTITUTED IN THE COUNTY OF GASPE, DURING THE LAST THREE YEARS.

COUNTY OF GASPE.—Actions returnable at PERCE', DOUGLAS-TOWN, Term of August, 1839.

NAME OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal, and Remarks.
<i>Inferior Actions.</i>											
Etienne Martel vs. Sam. Hooper, and Wm. Bragg, Germ.	4th Sept'r, 1838. } Saisie arret..... }	1st August, 1839	Returned	Saisie arret	£ 3 10 2	No	No	Pending	No	None	None
Joseph Prouly vs. Roques Dewches	27th May. Com. mon summons..... }	do do	do	Amount of account	4 0 0	Yes	do	{ Action withdrawn, on } { payment of costs..... }	do	do	do
William Morisy vs. John Hamon	28th May	do do	do	Damages	10 0 0	do	do	Dismissed, with costs	do	do	do
Daniel Murphy vs. Francis Beard	20th do	do do	do	Amount of account	1 2 0	do	do	Pending	do	do	do
Peter Duvel vs. Raymond Ferletie	do do	2nd do	No return.								
Nicholas Doucher vs. Michael	30th July, 1839	do do	Returned	Note	1 10 0	do	do	£1 10 0	do	do	do
Nicholas Boucher vs. Charles Langlois.	do do	do do	No return	Amount of account	7 10 0						
Nicholas Boucher vs. Joseph Bouchard.	31st do	do do	Returned	Balance of account	6 5 0	do	do	Dismissed, with costs	do	do	do
Jean Duguay vs. do D'urocher	30th do	do do	do	do	2 6 0	do	do	£1 3 0	do	do	do

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COUNTY OF GASPE.—Actions returnable at PERCE', DOUGLAS-TOWN, August Term, 181.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal	Costs in Appeal.
William Sish vs. Joseph Baker Blondin	29th July, 1839	2nd Aug't, 1839	Returned	Damages.	£ s. d. 5 0 0	No	£1 10 0	No	None	None
Etienne Mariel vs. Jacques Baudris	13th June	do	do	Amount of account	2 15 4	do	£2 15 4	do	do	do
Josiah Cass vs. Michael Collin	31st July	3rd do	do	do	3 12 0	do	£3 12 0	do	do	do
Charles Hunter vs. Michael Paget	1st August	do	do	Balance of account	2 14 0	do	£2 14 0	do	do	do
Nicholas Boucher vs. Pierre Poyrier, and vice versa	30th July	5th do	do	do	3 2 4 In demand, 15s. 6d.	do	{ Action dismissed with costs. Judgment in inc. demand for 15s. 6d.	do	do	do
Nicholas Boucher vs. Nicholas Girard	do	do	do	Amount of account	5 8 0	do	£5 8 0	do	do	do
Nicholas Boucher vs. Michael Paget	do	do	do	do	1 6 6	do	Pending	do	do	do
Nicholas Boucher vs. John Seymour	do	do	do	do	2 8 0	Yes	{ £0 11 6, saving the re- course against defendant } { on the balance of his act }	do	do	do
James R. Cotton vs. John Baker	31st do	do	do	do	5 0 0	do	{ Withdrawn, on payment } { of costs. }	do	do	do
Peter Duval vs. Clovis McGinnis	1st August	do	do	Balance of account	4 4 0	No	Settled after entry	do	do	do
Michael Furlong vs. Charles Tappeal	do	do	do	Note.	4 0 0	do	£1 4 0	do	do	do

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François Xav. Coupelle vs. Alexis McGinnis	2nd do	do	do	Amount of account	0 18 4	Yes	£0 18 4	do	do	do
Michael Furlong vs. Nicholas Boucher	do	do	do	do	10 17 0	do	{ Report arbitrate is hom- ologated, and in conse- quence judgment against defendant for £3 16 2.	do	do	do
Joseph Proulx vs. Jean Grevier	do	do	do	Balance.	0 17 6	do	Pending	do	do	do
Joseph Proulx vs. Rose Aleigle	1st do	do	do	Account	0 15 0	do	do	do	do	do
Charles Hunter, and al. vs. François Paquet	do	6th do	do	do	10 0 0	No	£7 14 9	do	do	do
Charles Hunter, and al. vs. Henry Silver	3rd do	do	do	do	1 13 2	do	£1 13 2	do	do	do
Charles Hunter, and al. vs. Arneline Thébaudeau	do	do	No return.	do	do	do	do	do	do	do
Peter Duval vs. François Pagé	do	do	Returned	do	4 1 9½	do	£4 1 9½	do	do	do
Terance Dorling vs. John Cotton	do	5th do	do	Note	4 0 0	do	£3 17 0	do	do	do
William Bragg vs. Charles Cass	do	do	do	Balance of account	3 0 0	do	£3 0 0	do	do	do
William Bragg vs. Charles Couture dit Bellefleur	do	do	{ Settled before } { entry. }	do	do	do	do	do	do	do
Peter Duval vs. Charles Fugé	3rd do	Sum- mons ad respond.	Returned	Amount of account	6 3 1	do	£6 3 1	do	do	do
Peter Duval vs. Matthew Ryan	3rd August	6th do	No return.	do	do	do	do	do	do	do
Peter Duval vs. John Richard	do	Sum- mons ad respond.	Returned	do	4 0 9½	do	£4 0 9½	do	do	do

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COUNTY OF GASPE.—ACTIONS returnable at PERCE, DOUGLAS-TOWN, AUGUST TERM, 1839.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
Peter Duval vs. Charles Lafamme	3d August, 1839.	5th August.	No return.	Amount of account.	£ s. d. 2 9 8½						
Jeremiah O'Shea vs. James Roney	do	do	Returned	Note	5 9 6	No	No	£1 9 6.	No	None	None
Jeremiah O'Shea vs. James Roney	5th do	7th do	do	do	0 19 6	do	do	£0 19 6	do	do	do
Terence Durling vs. James Labbey	do	8th do	do	{ Note and amount of } account	2 14 0	do	do	£1 4 0	do	do	do
Godefroy Charlton vs. John Brock	do	do	No return.								
Godefroy Charlton vs. François Blondin	6th do	do	Returned	Balance of account.	0 16 6	do	do	£0 13 0	do	do	do
Godefroy Charlton vs. Wm. Ferguson	do	do	No return.								
Godefroy Charlton vs. Pierre Couture dit Bellevue	do	do	Returned	Amount	8 12 6	Yes	do	£3 12 6	do	do	do
Godefroy Charlton vs. Daniel Smith	do	do	do	do	7 0 0	No	do	£7 0 0	do	do	do
Godefroy Charlton vs. André Beaudrie	do	do	do	Balance	0 15 0	do	do	Pending			
Charles Hunter and al vs. Thomas Collin	do	do	do	Amount.	7 1 4	do	do	do			

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Terence Durling vs. John Fortin, jun.	do	do	do	do	1 4 0	do	do	do		do	do
John Thomas Wilson vs. Matthew Ryan	do	do	No return.								
Patrick O'Connor vs. Baptiste Bourget	7th do	do	Returned	Amount of account.	0 12 0	do	do	£0 12 0	do	do	do
Gabrielle Labbé vs. Frs. Laliberté and Jeremiah Donahay	8th do	10th do	do	Saisie arrêt	7 3 6	do	do	{ Seizure declared good } { and valid, and garnishee } { ordered to pay over the } { sum of £6 6 11..... }	do	do	do
Stephen Walsh vs. George Molloy	7th do	9th do	do	Amount of account.	0 12 6	do	do	{ Principal paid. Judg- } { ment for the costs..... }	do	do	do
Stephen Walsh vs. George Molloy, jun'r.	do	do	do	do	2 15 0	do	do	£2 15 0	do	do	do
Philip Duval vs. Richard Knox	6th do	do	do	do	1 0 0	Yes	do	Dismissed, with costs	do	do	do
Philip Duval vs. John Nicholas	do	do	do	do	0 15 0	do	do	{ Withdrawn, on pay- } { ment of costs..... }	do	do	do
Robert Smollett vs. F. Dugay, senior	8th do	10th do	do	Balance of account.	2 18 4	No	do	£2 18 4	do	do	do
Philip Duval vs. Charles Bourget	6th do	do	do	Amount of account.	2 0 0	do	do	{ Action withdrawn, on } { payment of costs..... }	do	do	do
Philip Duval vs. Francis Page	do	do	do	do	1 0 0	Yes	do	Dismissed, with costs	do	do	do
J. Bte. Mignault vs. Julia Arbour	do	16th do	No return	do	0 16 3						
Michael Donahay vs. J. Stowe Tuzo	9th do	do	Returned	do	1 16 0	do	do	{ The principal being paid } { judgment for the costs. }	do	do	do
Michael Donahay vs. Patrick O'Connor	8th do	do	do	do	2 11 6	do	do	Action dismissed, with costs.	do	do	do

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COUNTY OF GASPE.—ACTIONS returnable at PERCE', DOUGLAS-TOWN, August Term, 1839.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Barabas McGie. vs. Robert Houston	12th August, 1839	16th Aug, 1839	Returned.	Note	£ 5 4 8	Yes	No	£5 4 8.			
Charles Cass vs. James Ferguson	do	19th do	No return.								
Charles Cass vs. John Cass	do	do	do								
Godfrey Charlton vs. Charles Belleville	do	do	Returned.	Balance of account	0 11 3	No	do	Pending.			
Godfrey Charlton vs. Alexis Joneas	do	do	do	do	0 12 0	do	do	do			
Godfrey Charlton vs. Felix Cormier	do writ of summons	do	do	do	0 15 0	do	do	do			
Godfrey Charlton vs. Daniel Lelievre	15th do	do	do	do	0 19 0	do	do	do			
Frederick Janvrin vs. Thomas Thompson	do	do	No return.								
Joseph G. Le Bel vs. Jean Bc. Fortin	12th do	do	Returned.	Amount of account	0 12 6	Contested.	do	do			
Peter Winter vs. Paul Morrison	19th do	do	do	Fees and balance of account	7 10 0	do	do	Settled, the def <sup>t</sup> , having paid principal and costs.			
R. Fenecey vs. M. Parent	14th do	do	do	Assault and Battery	10 0 0	do	do	£5 0 0.			

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NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Lawrence Kecha vs. Nicholas Boucher	do	12th do	do	Amount of account	2 5 0	do	do	Pending.			
Philip Mourant vs. Jean Rose	16th do	do	do	Note	3 0 0	No	do	£2 15 0			
Philip Mourant vs. Thomas Langlois	do	do	No return.								
Joseph G. Le Bel vs. Joseph Syunott	do	do	Returned.	Draft	2 6 8	do	do	£2 6 8			
Michael Furlong vs. Thomas Goman	14th do	do	do	Retention	11 0 0	Yes	do	£2 0 0			
Patrick Maher vs. Michael Cuning	19th do	do	do	Amount of account	1 4 0	do	do	£0 18 0			
Joseph Campbell vs. Moyse Roi	20th do	do	do	Defamation	10 0 0	do	do	Action withdrawn.			
Pierre Winter vs. Pierre Jacques	16th do	23d do	do	Draft and amt of acct.	2 2 0	do	do	£2 2			
<i>Superior Actions.</i>											
Pierre Duval vs. Pierre Huot	20th August, 1838, sum. ad respond.	1st do	do	Assumpsit	12 0 0	No	do	Pending.			
Neil McQuary vs. Nicholas Boucher	4th Oct'r 1838, cap. ad respondentum.	do	do	Cap. ad resp.	13 14 0	Yes	do	do			
Joseph Cunard and al. vs. Adam Smith	9th Oct. saisie arret simple	do	do	Saisie arret simple	100 0 0	No	do	Settled, before entry of return			
John Murray vs. Wm. Bragg	do do summons, ad respond.	do	do	Assumpsit	23 0 0	do	do	do			
Victor Mignault vs. Alexis McGinnis	15th Feb'y, revocation.	do	No return	Revendication	46 0 0	No	do	Settled, before entry of return			
Joseph Moagher vs. Robert Houston	9th October, 1838, sum. ad resp.	do	Returned	Maleiciously suing out a writ of capias	100 0 0	Yes	do	Pending.			This case is taken into the two counties.

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4th October.

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COUNTY OF GASPE.—ACTIONS returnable at Peterborough, Term of August, 1839.—Contour d.

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, or return of discontinued.	Nature of Action.	Amount of demand.	Whether contested, tried by Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal and Remarks.
Joseph Meagher vs. Robert Houston.	9th October, 1838.	1st Augt. 1839.	Returned.	Maliciously suing out a writ of arrest simple.	100 0 0	Yes	Pending.	No	None	None.
Thomas Sauvage vs. Jean Briard, and al.	17th May, 1837.	do	do	Assumpsit.	15 5 3	do	£15 5 3	do	do	do
Peter Duval vs. Jacques Labbé.	24th October, 1838.	do	do	do	46 15 3	do	£16 15 3, payable as follows: 6 quintals of dry codfish to be delivered immediately, or the sum of £4 16, the value of the same, &c., with right of execution for £12 2 3, until 1st August, 1840.	do	do	do
Peter Duval, Esq. vs. John Lawrence.	9th July, 1839.	2nd do	do	do	62 0 0	do	For £62 0 0	do	do	do
Peter Duval, Esq. vs. Alexis Daroche.	do do	3rd do	No return.	do	100 0 0	No	£100 0 0	do	do	do
Charles Vardon vs. J. Bc. Cotton dit Chiquoine.	31st do	5th do	Returned.	do	30 0 0	do	£36 15 2	do	do	do
Leger Lambert vs. Isaac Man.	do do	16th do	do	do	56 0 0	Yes	Pending.	do	do	do
James W. Maret vs. H. B. Johnson, and vice versa.	do do	do do	do	do	16 0 0	No	£16 0 0	do	do	do
James Robin, and al. vs. François Dupuis.	1st August.	7th do	do	do	20 0 0	do	£17 7 6	do	do	do
Peter Duval vs. Michael Pégé.	3rd do	do do	do	do				do	do	do

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4th October.

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NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, or return of discontinued.	Nature of Action.	Amount of demand.	Whether contested, tried by Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal and Remarks.
Joseph Boucher vs. Thomas Ellements.	2nd do	5th do	No return.	do	23 0 0	Yes	Pending.	do	do	do
Peter Duval vs. Alexis Daroche.	do do	do do	Returned.	do	44 0 0	do	£44 0 0	do	do	do
André Gaudry vs. Adam Smith.	do do	9th do	No return.	do	86 0 0	do	£86 0 0	do	do	do
Peter Duval vs. William Morisy.	5th do	10th do	Returned.	Debt	12 0 6	do		do	do	do
Francis Aheer vs. Ellen Penny.	do do	do do	do	do	50 0 0	do		do	do	do
Etienne Martel vs. Jeremiah Analay.	8th do Capias ad respondendum	do do	No return.	Capias	100 0 0	No		do	do	do
J. Baker Blondin vs. Fabien B. Blondin.	8th August	10th do	do	Assumpsit	13 0 0	do	£13 15 11	do	do	do
Christine Helment vs. Joseph Boucher.	10th do	do do	Returned.	Damages	18 10 0	do		do	do	do
David Le Boutillier vs. John Hogan.	do do Sums ad respond.	do do	No return.	do	80 0 0	Yes	Pending.	do	do	do
Frederick Janvin vs. James Bond.	16th August	20th do	Returned.	Assumpsit	52 0 0	No		do	do	do
François Buteau, and al. vs. Luke Gaul.	do do	21st do	No return.	do	36 1 0	do		do	do	do
David Le Boutillier vs. Augustus La Rivière.	10th do Reven-dication	do do	Returned.	Revendication		do		do	do	do
David Le Boutillier vs. John Hoges.	12th August. Re- vendication	do do	do	do		do		do	do	do
John Le Boutillier vs. Louis Martin.	16th August. Sums ad respond.	do do	do	Debt		do		do	do	do

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COUNTY OF GASPE.—ACTIONS returnable at PERCE', DOUGLAS-TOWN, AUGUST TERM, 1839.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by Jury.	Plaintiff and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Frederick Janvin vs. John Rose jun.	16th August, 1839. Summons and resp.	24th Aug. 1839	Returned	Assumpsit	£ 0 0	No	No	£15 11 3			
Frederick Janvin vs. James Scott	do do	do do	do	do	17 0 0	do	do	£16 9 3			
Jean Bie. Fournier vs. John Ferguson	10th do revocation do	do do	No return	Revendication	70 0 0						
Elias Le Bas vs. Anthony Kaprice.	do do suit ad resp do	do do	Yes	do	39 0 0	Yes	do	£33 6 1			
Elias Le Bas vs. Alex. McRae, and al	20th do	do do	do	do	17 0 0	do	do	Pending			
<i>Actions returnable at PERCE' and DOUGLAS-TOWN, in 1840.</i>											
Philip Duval vs. Frs. Page and James Farwel, T.S.	15th Nov. 1839. Summons and resp.	1st do 1-4th	No return.	do	11 0 0	No	do	do			
Charles Major vs. Roderick McNeil.	25th Nov. 1839. Revendication.	do do	Returned	do				do			
Michael Fulong vs. Alexs McGinnis	30th July, 1839. Summons and resp.	do do	do	Amount of account	10 7 11	Contested	do	£9 5 0			
Peter Duval, Esqr. vs. Frs. B. Blondin.	27th July	do do	do	do	9 12 3 1/2	No	do	£9 12 3 1/2			
Charles Hunter, and al vs. J. Mitchell dit Ducloux.	29th Nov'r. 1839	do do	do	Balance of account	6 11 0	do	do				

Report of arbitrators appointed, and judgment against defendant for £2500. Each party paying his or own costs, and half the costs of arbitration.

Victor Mignault vs. Jean Le Breux	28th July, 1840	do do	do	do	3 17 0	do	do	£3 0 0			
Edward Lassard vs. Stephen Walsh, and vice versa.	do do	do do	do	Amount of account	6 5 0	Yes	do	{ For £3 8 2, on demand in chief; incidental demand withdrawn, on payment of costs.			
Daniel Dacey vs. Timothy Driscoll.	29th do	do do	do	Embarras	10 0 0	do	do	Pending.			
William Bragg vs. Charles Duges	do do	do do	do	Amount of account	5 9 6	do	do	£5 9 6			
Charles E. Ferland vs. John Huges.	do do	do do	No return.								
Abraham Trachy vs. William Donahay, senior.	31st do	3rd do	Returned	Balance of account	0 13 8	do	do	£0 13 8			
Abraham Trachy vs. Michael Donahay.	do do	do do	do	do	1 6 9	do	do	£1 6 9			
Abraham Trachy vs. Jean Arbour.	do do	do do	do	do	1 6 0	do	do	£1 1 0			
Abraham Trachy vs. Joseph Arbour.	do do	do do	do	do	1 1 8	do	do	£1 1 8			
Abraham Trachy vs. Rose Allegre.	do do	do do	do	do	1 10 0	do	do	£1 0 0			
Abraham Trachy vs. J. Cormier, junior.	do do	do do	do	do	0 15 0	do	do	£0 10 0			
Robert Brennan vs. James Chagnon.	do do	do do	do	do	2 9 0	do	do	Settled.			
John De la Cour vs. Jacques Brechette.	30th do	do do	do	Damages	11 0 0	do	do	Dismissed, with costs.			
Peter Duval, Esqr. vs. John Laflamme.	1st August	do do	do	Balance of account	3 10 1 1/2	do	do	do			

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COUNTY OF GASPE.—Actions returnable at PERCY and DOUGLAS-TOWNS, 1840.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether return returned, or discontinued.	Nature of Action	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether appealed from.	Judgment in Appeal.	Costs in Appeal.
Peter Duval vs. Etienne Dorion.	1st August, 1840.	3rd August.	Returned.	Balance of account.	£ 2 10 10	Yes	No	£2 19 10	No	None	None.
R. Fenessey vs. C. Langlois.	do do	do do	do	do	1 17 6	do	do	£1 12 6	do	do	do
N. Boucher vs. Charles Langlois.	do do	do do	do	do	4 13 0	do	do	£4 13 0	do	do	do
Charles Dugas vs. William Baker.	do do	4th do	do	Damages	10 0 0	do	do	Action withdrawn on payment of costs	do	do	do
Charles Dugas vs. William Baker.	do do	do do	do	Assault and battery.	10 0 0	do	do	£50 0 0 and costs	do	do	do
Charles Dugas vs. Jean Blanchet.	31st July.	do do	No return.	Account	3 14 0	do	do	Pending.	do	do	do
Peter Duval vs. J. Bc. Pingnette.	do do	do do	Returned.	Balance of account.	2 11 9	do	do	Pending.	do	do	do
Daniel Baker vs. William Ferguson.	1st August.	5th do	do	Assault and battery.	10 0 0	do	do	£1 0 0	do	do	do
Peter Winter vs. Thomas Gallau.	3rd do summons ad respond.	do do	do	For Fees, etc.	0 14 6	do	do	£0 14 6	do	do	do
William Garrett vs. Alexis Boudreau.	31st July.	6th do	do	Amount	3 2 4	No	do	£3 2 4	do	do	do
Victor Mignault vs. Louis Briard.	1st August.	do do	do	Balance	2 10 0	do	do	£2 10 0	do	do	do

Joseph Proulx vs. Prudent Le Blanc and Alexis Boulet.	3rd do	Saisie arrêt.	do do	Saisie arrêt.	1 15 8	do	do	£0 10 0	do	do	do
Jean Blanchette vs. Charles Dugas.	do do	Account	No return.	Account	3 1 9	do	do		do	do	do
Etienne Dorion vs. Peter Chouinard, and vice versa.	do do	Amount of account	Returned.	Amount of account	1 7 6 In. do. for 16s. 7 <sup>1</sup> / <sub>2</sub> d.	Yes	do	Action dismissed, with costs. Incidental demand withdrawn.	do	do	do
Etienne Dorion vs. Baptiste Bourget.	do do	do	do do	do	5 12 6	No	do	Action dismissed, each party paying their own costs	do	do	do
Timothy Driscoll vs. Joseph Proulx.	do do	Note	do do	Note	3 0 0	Yes	do	£1 12 3	do	do	do
Peter Duval vs. Charles Lafamme.	do do	do	No return.	do	6 15 0	do	do		do	do	do
Patrick McGinnis vs. Abner McGinnis.	do do	do	do do	do	10 0 0	do	do		do	do	do
Timothy Downey vs. John Bourget.	do do	do	do do	do	1 5 0	do	do		do	do	do
François Toussaint vs. Joseph Duguay.	7th do	do	do do	do	0 9 0	do	do		do	do	do
James Shinie vs. J. B. Fortin.	9th do	do	Returned.	Balance of account	10 0 0 Sterling.	do	do	Pending.	do	do	do
Adam Smith vs. Charles Giroux.	6th do	do	do do	do	3 1 0	do	do	£3 1 0	do	do	do
Adam Smith vs. Etienne Joncas, and al.	do do	do	do do	Note	10 0 0	do	do	This case being settled, judgment against defendant for the costs.	do	do	do
Peter Duval vs. William Mouey.	10th do	do	do do	Agreement	11 0 0	No	do	Pending.	do	do	do
Louis Cloutier vs. John Ferguson.	do do	do	do do	Amount of account	10 15 0	Yes	do	do	do	do	do



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COUNTY OF GASPE.—ACTIONS returnable at PERCE' and DOUGLAS-TOWN, 1840.—(Continued.)

Names of Plaintiff and Defendant.	Date and nature of Writ.	When returnable.	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Charles Vardon vs. Peter Hayden	8th August, 1840.	10th Aug. 1840.	No return.	Balance of account.	£ s. d. 2 10 3½	No	No	Settled.			
F. Jauvin vs. Louis Bond	do	do	Returned.	do	6 15 0	Yes	do	Action withdrawn on payment of costs.			
Joseph S. Tuzo vs. M. Donahay	do	do	do	do	0 10 0	Yes	do	do			
Pierre Querier vs. Joseph Proulx	do	17th do	No return.	do			do	Pending.			
Charles Vardon vs. Philip Derry	10th do	do	Returned.	Amount of account.	4 0 0	No	do	do			
William Baker vs. Charles Dugus.	12th do	do	do	Damages.	10 0 0	Yes	do	do			
William Leggo vs. Patrick McGrath	do	do	No return.	Note.	1 5 0						
Michael Furlong vs. Alexis McGinnis.	13th do	do	Returned.	Balance of account.	10 0 0	No	do	£5 7 0	No	None	None.
Terence Duling vs. W. Welsh.	do	do	do	Amount of account.	7 10 0	do	do	£7 10 0	do	do	do
Terence Duling vs. James Welsh.	14th do	do	do	do	1 10 0	Yes	do	£1 10 0	do	do	do
Terence Duling vs. Thomas Holland.	do	do	No return.	do	2 5 0						

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4th October.

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Names of Plaintiff and Defendant.	Date and nature of Writ.	When returnable.	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs in Appeal.
Mathew Foley vs. Elias Le Bas.	17th do	20th do	Returned.	do	2 12 6	do	do	Pending.			do
Mark Habelin vs. Henry Stewart	21st do	24th do	do	do	3 12 0	do	do	do			do
Patrick McKennon vs. John Adams, Junr.	17th do	21st do	No return.	do							do
John Maher vs. Frederick Jauvin.	do	do	Returned.	Amount of account.	9 8 0	do	do	£9 8 0	do	do	do
John F. Wilson vs. Eugene Jalbert.	do	do	do	do	5 18 0	Yes	do	£5 18 6	do	do	do
James McGrath vs. Bernard Couly.	20th do	22nd do	do	do	3 10 0	do	do	Settled and paid.			do
Francis Ahier vs. Jacques Eve.	19th do	24th do	do	Special.	11 0 0	do	do	£11 0 0	do	do	do
Charles Vardon vs. Peter Hayden.	10th do	17th do	do	Amount of account.	2 10 0½	No	do	Pending.			do
James McGrath vs. Michael Dumas.	20th do	24th do	do	do	3 5 0	do	do	Settled.			do
<i>Superior Causes.</i>											
Jean Le Boutillier vs. Jean Le Brocq.	21st August, 1839. Sum. ad respond.	1st August 1840.	do	Debt.	62 10 0½	do	do	£62 10 0½	do	do	do
John Le Boutillier vs. Joseph Arbour.	21st August, 1839. S. gagerte.	do	No return.	do							do
J. Ete. Sasseville vs. Barthelemy Fontaine.	3rd April.	do	do	Assumpsit.	59 9 7						do
Peter Duval vs. Joshua LeBoutillier & A. Paton and al.	19th May. Saisie arret.	do	Returned.	Saisie arret.	62 0 0	Yes	do				do
Stephen Walsh vs. Victor Mignault, and al.	19th May.	do	do	Damages.	100 0 0	do	do	Pending.			do

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COUNTY OF GASPE.—ACTIONS returnable at PERCE and DOUGLAS-TOWNS. 1840.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable.	Whether returned, or discontinued.	Nature of Action.	Amount of demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal and Remarks.
Peter Duval vs. Thomas Beck	25th July, 1840. sum. ad respond.	1st Aug 1840	Returned	Assumpsit	£ 52 0 0	Yes	No	Pending.	No	do	None.
Victor Mignault, and al vs. Julie Plourde	25th July.	do do	do	do	25 0 0	No	do	£24 3 1	No	do	None.
Charles Hunter vs. Joseph Baker	29th do	3rd do	do	do	24 0 0	Yes	do	Pending.	do	do	do
Joseph Baker vs. William Baker	do do	do do	do	do	21 14 0	do	do	do	do	do	do
Peter Duval, Esq vs. Julien Arbour	1st August.	5th do	do	do	17 0 0	No	do	£17 0 0	do	do	do
Peter Duval, Esq. vs. George Turgeon	do do	do do	do	do	71 0 0	Yes	do	Pending.	do	do	do
Peter Duval, Esq vs. Daniel Collin	do do	do do	do	do	13 0 0	No	do	do	do	do	do
François Buteau vs. J. B. Blondin	3rd August.	7th do	do	do	35 0 0	do	do	do	do	do	do
Charles Vardon vs. Jean Coulette	do do	do do	do	do	37 0 0	do	do	do	do	do	do
Charles Vardon vs. Peter Girard	do do	5th do	No return.	do	do	do	do	do	do	do	do
François Ahier vs. Marie Gaudreau, and al.	31st July.	10th do	Returned	do	25 0 0	Yes	do	Judgment for £75, with int. from service against M. Gaudreau, P. Bencot &c. and P. Connors, &c. jointly and severally, and costs against all the dfts. jointly and severally.	do	do	do

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Anthony Kassoni vs. Marie Gaudreau and al	do do	do do	do do	do	100 0 0	do	do	Judgment for £100 0 0 &c.	do	do	do
François Buteau vs. Patrick McKenna	4th August.	do do	do do	Under the Act Lessees	do	do	do	Pending.	do	do	do
Frederick Jauvrin vs. Edward Muller	17th do	21st do	do do	Assumpsit	15 0 0	No	do	£14 13 2	do	do	do
Edward Price vs. William McKenzie	do do	do do	No return	Capias ad respondend in	14 9 11½	do	do	None.	do	do	do
Peter Duval, Esq. vs. André Onellet	14th Aug. Capias ad satisfaciend.	24th do	Returned	Capias ad satisfaciend	24 6 1	do	do	do	do	do	do
Frederick Jauvrin vs. John Girard, Junr.	17th do	do do	do do	Assumpsit	27 0 0	do	do	Pending.	do	do	do
Frederick Jauvrin vs. Auguste Bond	do do	do do	do do	do	27 0 0	do	do	do	do	do	do
François Ahier vs. Martin Bond	do do	do do	No return	do	55 10 6	do	do	do	do	do	do
François Ahier vs. Peters Connors	18th do	do do	Returned	do	68 3 11¼	do	do	Pending.	do	do	do
Angelina Leggo vs. John Sandon	20th do	do do	do do	Slander	100 0 0	Yes	Yes	Verdict of Jury, not guilty.	do	do	do
Actions returnable at Perce and Douglas-Towns, in August, 1841.											
John Le Boutillier vs. Peter Estivan	16th Feb'y, 1841 Summons.	2nd Aug. 1841	do do	Balance of account	3 12 3	No	No	do	No	do	None.
Joseph Bacquet dit Lamontagne vs. Louis Vallé	do do	do do	do do	Account	8 5 0	do	do	do	do	do	do
Joseph Bacquet dit Lamontagne vs. Michel Dugas	do do	do do	do do	do	8 9 5¼	do	do	do	do	do	do

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COUNTY OF GASPE.—ACTIONS returnable at PARCE' and DORGLAS-TOWN, in August, 1841.—(Continued.)

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NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal, and Remarks
Jos. B. dit Lamontagne vs. Jean Sarvent.	16th February, 1841	2nd August	Returned	Account	£ s. d. 6 13 4						
Jos. B. dit Lamontagne vs. Peter Malony	do	do	do	do	6 13 5						
Jos. B. dit Lamontagne vs. Pierre Fontaine	do	do	do	do	6 5 0						
Jos. R. dit Lamontagne vs. Joseph Lelourneau	do	do	do	do	3 13 9						
Jos. B. dit Lamontagne vs. Jean Roch	do	do	do	do	3 10 8						
Jos. B. dit Lamontagne vs. Alexis Vallé, and al	do	do	do	do	2 16 4						
Jos. B. dit Lamontagne vs. Mark Vien.	do	do	do	do	2 10 6½						
Jos. B. dit Lamontagne vs. Augustin Levesque	do	do	do	do	2 10 0						
Jos. B. dit Lamontagne vs. François Pelletier	do	do	do	do	1 5 0						
J. Le Bottillier vs. Isaac Baudrie	28th July	do	do	Balance of account	4 7 3	No	No	Pending.			
Martin Moran vs. Michael Hagan.	do	do	do	do	1 0 0	do	do	£1 0 0			

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NAMES OF PLAINTIFF AND DEFENDANT.	Date	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action.	Amount of Demand.	Whether contested.	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal, and Remarks
J. B. Blondin vs. Antoine-Quermie.	29th do	do	do	Account	10 0 0	Yes	do	do	do	do	None
J. T. Moriarty vs. Nicholas Ferlatte	30th do	do	do	Balance	6 15 5½	do	do	Settled after return.	do	do	do
J. T. Moriarty vs. Jean Arbour	do	do	do	do	5 13 9½	No	do	do	do	do	do
J. T. Moriarty vs. Louis Longlois	29th do	do	No return	Balance of account	5 6 11½	do	do	Settled	do	do	do
J. T. Moriarty vs. Jean Frudelle.	do	do	do	do	4 19 10	do	do	do	do	do	do
J. T. Moriarty vs. Thomas Sauvage	do	do	do	do	0 17 9	do	do	do	do	do	do
J. T. Moriarty vs. Marcel Côté.	do	do	do	do	1 8 6½	do	do	None	do	do	do
J. T. Moriarty vs. Julien Arbour	do	do	Returned	do	4 0 1½	do	do	Pending	do	do	do
Ab. Trachy vs. Edward Mabe.	30th do	do	do	do	1 10 0	Yes	do	£1 10 0	do	do	do
Prudent Le Blanc, and al. vs. Jean Bourget.	31st do	do	do	Defamation	10 0 0	do	do	Parties dismissed dos & dos; each party paying their own costs.	do	do	do
J. C. Belleau vs. Charles Blais	do	do	do	Balance of account	2 11 9	do	do	£2 11 9	do	do	do
J. C. Belleau vs. Charles Cass.	do	do	do	do	10 0 0	do	do	Pending.	do	do	do
Ab. Trachy vs. George Lucas	30th do	do	No return	Amount	1 13 6	do	do	None.	do	do	do
Adam Smith vs. James Lamb.	do	3rd do	Returned	do	6 11 7	do	do	£6 11 7	do	do	do

Appendix (G.)  
4th October.

COUNTY OF GASPE.—Actions returnable at Percé and Dorval, in August, 1841.—(Continued.)

Names of Plaintiff and Defendant.	Date and nature of Writ.	When returnable.	Whether returned, or discontinued.	Nature of Action.	Amount of Demand.	Whether compromised by a Jury.	Judgment and general purport.	Whether applied from.	Judgment in Appeal.	Costs of Appeal.
Patrick O'Connor vs. Charles Langlois.	10th July, 1841	4th August 1841	No return	Amount.	£ 5 0	No	None			
Joseph Proulx vs. Charles Parent, Junr.	2nd August	do	Returned	do	0 6 0	do	Pending			
Jean Cavalier vs. Charles Conture dit Bellefleur.	do	do	do	Balance of account	5 0 0	do	do			
W. H. Lemoine vs. Henry Huet	do	do	No return	do	1 5 0	do	None			
W. H. Lemoine vs. Antoine Querier and vice versa	do	do	Returned	do	Incidental demand, £10 0 0	do	{ Judgment for £3 13 11 and incidental demand, £5 5s. 3d. with costs. Motion that the cause of Jean Querier & Co. vs. W. H. Lemoine be converted into an Inter-pleader in this case—granted 10th August, 1841. The Intervention is dismissed with costs and judgment in favor of Y. Mignault against W. H. Lemoine, for £10, with costs.	No	None	None
Victor Mignault vs. William Bragg	do	5th	do	Special	10 0 0	do	do	do	do	do
Jean Pougrette vs. William Bragg	3rd	do	do	Amount of account	2 13 6	do	Pending			
Patrick O'Connor vs. Philip Portier.	31st July	6th	do	Amount of account	10 0 0	do	settled.			
Patrick O'Connor vs. Benoni Baudin	do	do	do	Balance	10 0 0	do	do			
Rev. W. Dunn vs. Charles Proulx	3rd August	do	do	Note	1 10 0	do	£1 10 0	do	do	do
John Seymour vs. John Ferguson	4th	do	do	Amount of account.	3 7 6	do	£1 3 2	do	do	do

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Charles Plourvie vs. Isaac Dugay	do	do	No return	do	1 5 0	do	None			
J. C. Belleau vs. Josiah Cass, Senr.	do	do	do	Balance	0 18 6½	do	do			
Patrick O'Connor vs. Charles Langlois.	31st July,	7th	Returned	Amount	1 5 0	do	Pending.			
A. G. Coullan vs. J. B. Blondin.	5th August,	do	do	Special	10 10 11	Yes	do			
Patrick O'Connor vs. André Ouellet.	2nd	9th	do	Balance of account	3 0 0	No	£3 0 0	do	do	do
Patrick O'Connor vs. Charles Querier.	do	do	do	do	4 6 9	do	£4 6 9	do	do	do
J. Francis Wilson vs. André Ouellet.	do	do	do	Note	10 16 11	do	£10 16 11	do	do	do
Victor Mignault and al vs. Jean Boulet.	do	do	do	Amount of account	3 13 6½	do	£3 8 6½	do	do	do
Patrick Enwright vs. Charles Querier.	3rd	do	do	do	1 17 6	do	£1 9 6	do	do	do
J. Bte. Mignault vs. Peter Duval	6th	do	do	Damages	10 0 0	Yes	Dismissed with costs.			
John Hart vs. Andrew Cass, Senr.	do	do	do	Balance of account	6 0 0	do	Dismissed sauf à se pourvoir.			
John Hart vs. Andrew Cass, Junr.	do	do	do	Assault and battery	10 0 0	do	5s. with costs	do	do	do
Peter Duval vs. Joseph Proulx	2nd	do	do	Balance of account	8 8 9	do	Pending.			
Etienne Joncas vs. Pierre Huard	6th	do	do	Amount.	1 5 0	No	£1 5 0	do	do	do

Appendix (G.)  
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Appendix (G.)  
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COUNTY OF GASPE.—ACTORS returnable at PERCY and DOUGLAS-TOWNS, in August, 1841.—(Continued.)

NAMES OF PLAINTIFF AND DEFENDANT.	Date and nature of Writ.	When returnable	Whether returned, settled before return, or discontinued.	Nature of Action	Amount of Demand	Whether contested	Whether tried by a Jury.	Judgment and general purport.	Whether Appealed from.	Judgment in Appeal.	Costs of Appeal, and Remarks.
Adam Smith vs. In. La Britton	6th August.	16th August.	Returned.	Balance	£ s. d. 3 10 4	No	No	Pending.			
W. H. Lemoine vs. Michael Ferlatte	do	do	No return	do	1 11 8	do	do	None.			
W. H. Lemoine vs. William Donahue	do	do	do	do	0 11 4	do	do	do			
J. B. Blondin vs. Owen Hicken	do	do	do	do	2 10 0	do	do	do			
Fabien Soucy vs. Jean Lemessurier	16th do	19th do	Returned.	Amount of account	1 5 0	do	do	Pending.			
Angelina Leggo vs. Philip Lafferquet	do	do	No return	do	2 10 0	do	do	None.			
Fabien Soucy vs. Andrew Rooney	17th do	do	Returned	Balance of account	0 18 0	Yes	do	Dismissed, with costs			
Fabien Soucy vs. Thomas N. Kinseala	18th do	do	do	Note	1 10 0	No	do	£ 10 0	No	None	None.
W. H. Lemoine vs. Andrew Ouellet	9th do	20th do	do	Amount of account	1 3 5	Yes	do	Pending.			
W. H. Lemoine vs. J. Dugay	do	do	No return	Balance	0 18 4	No	do	None.			
Peter Winter vs. Andrew Ouellet	16th do	do	Returned	do	3 15 0	Yes	do	do			

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James Repton vs. Jacques Eve	18th do	do	do	Damages	10 0 0	do	do	do		do	
Jacques Eve vs. James Repton	do	do	do	Assault and battery	10 0 0	do	do	5s. and costs	do	do	
Patrick Moran vs. Edward Quigley	do	21st do	No return	Damages	10 0 0 } Sterling.	No	do	None.		do	
John Maher vs. Michael McGrath	19th do	do	Returned	Assault and battery	10 0 0 } Sterling.	Yes	do	Action withdrawn, on payment of costs by plaintiff	do	do	
Charles Hunter, and al. vs. William Baker	24th July	2nd do	do	En revendication	30 15 4	do	do	Pending.			
Joseph Baquet vs. François Gagné	do	do	do	Assumpsit	13 3 3	No	do	do			
Patrick Enright vs. Patrick O'Brian	29th do sum. ad respond.	do	do	En bornage	25 0 0	Yes	do	do			
J. Le Boutillier vs. Jacques Baudin	25th July	3rd do	No return	Assumpsit	14 7 7	No	do	None.			
J. T. Moriarty vs. J. R. dit Laflamme	30th do	4th do	Returned	do	19 0 0	Yes	do	Pending.			
William Baker vs. James Chambers, and al.	2nd August. Arrêt simple	6th do	do	Arrêt simple	20 7 4	do	do	do			
Jean C. Bebeau vs. Daniel Cass	2nd August. Summons ad respond.	do	do	Assumpsit	20 0 0	do	do	do			
William Bragg vs. Edward Flynn	5th August.	9th do	do	Au pétitoire		do	do	do			
William Bragg vs. John Dubois	do	do	do	do		do	do	do			

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COPY OF CASES—ACTIONS returnable at PERE' and DORE' vs. TOWN, in August, 1841. (Continued.)

NAMES OF PLAINTIFF AND DEFENDANT	Date and nature of Writ	When returnable	Whether returned, settled before return or otherwise	Nature of Action	Amount of demand.	Whether contested	Whether tried by Jury	Judgment and general purport	Whether Appealed from.	Judgment in Appeal	Costs of Appeal and Remarks.
J. Le Bontillier vs. James Scott.	2nd August, 1841	10th Aug. 1841	Yes	Assumpsit	£ 0 0	No	No	£12 5 4	No	None	None.
Thomas Demahay, and ux vs. Charles Parant	5th do	do	do	In possessore	20 0 0	Yes	do	Pending	No	do	do
William Baker vs. Michel Collin	10th do	17th do	do	Assumpsit	13 0 0	do	do	do	No	do	do
Helen Vibert vs. Fanny Annett, and al	14th do Summons ad res. pouandum	16th do	Returned	do	70 0 0	do	do	do	No	do	do
Philip Bechervaise vs. John Savidon	4th August	do	do	Assault and battery	100 0 0	do	do	do	No	do	do
Philip Bechervaise vs. John Savidon	do	do	do	En revendication	25 0 0	do	do	do	No	do	do
Philip Bechervaise vs. James Whaling	16th do	21st do	do	Assumpsit	12 0 0	No	do	do	No	do	do
Frederick Jauvin vs. Thomas N. Kinsela	19th do	23rd do	do	do	14 0 0	do	do	do	No	do	do
John Savidon vs. Philip Bechervaise	18th do	24th do	do	Trespass	100 0 0	Yes	do	do	No	do	do
J. T. Moriarty vs. Andrew Rooney	19th do	do	do	Assumpsit	19 0 0	do	do	do	No	do	do

Pere', 4th August, 1842.

Signed

BEBEE & WILKIE, P. P. C

Appendix (G.)  
4th October.

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No. 40.

Return, by the Clerk of the Peace, of times and places of holding Sessions of the Peace during the last three years, Indictments found, Trials had, Convictions and Sentences.

Places at which General Sessions of the Peace have been held in this District, during each of the last three years.	The times at which they have been held during said period.	Names of the Justices of the Peace who presided, or who attended, &c.	Indictments prosecuted.	AGAINST WHOM.	FOR WHAT OFFENCES.	Found or not found.	Tried or not tried.	VERDICT.	JUDGMENT.
1839. None since the 1st of August of the year.									
1840. New Carlisle.....	11th January .....	F. McRae, Chairman, 5 days. J. McCracken, 1 " William McDonald, 3 " Robert Caldwell, 5 " Edward H. Enright, 4 "	5	Lange Ben Joseph Isaac Roussy, and al. William Ross Victor Terrier John Whitton, Senior Piero Trudelle	Assault on a Constable Larceny Assault and battery do do do do Larceny	Found do do do do	Tried do do do Traversed Tried	Not guilty. do { Guilty of sim- ple assault. } Not guilty. Guilty	Discharged. do Fined 10s. and costs of suit, and imprisonment until paid. Imprisonment for eight days. Discharged.
Do. ....	21st July .....	F. McRae, President, 4 " James McCracken, 3 " William McDonald, 4 " E. W. Enright, 3 " Robert Caldwell, 1 "	3	William Hayes Bridget Gleason Johanna Madagan John Whitton, Junior do	Assault and battery do do do do do do	do do do do do	do Traversed. Tried do Traversed.	Not guilty. do do	Discharged. Fined 7s. and costs.
Percé .....	11th August .....	J. G. Le Bel, President, 1 " Peter Duval, 1 " Charles Vardon, 2 " J. B. Blondin, 1 " Victor Mignault, 2 " H. B. Johnston, 1 " William Telly, 1 "	3	John Girard, and al. Andrew Proulx, and al. Elizabeth Lawrence	Larceny. do do	Not found. Found Not found.	Tried	Guilty	{ To be imprisoned for 16 days, and to receive 20 lashes. }
Douglas-Town .....	26th do .....	J. D. McConnells, 1 " Henry O'Hara, 1 " Ph. Perchar, 1 " Francis Ahier, 1 "	2	Hubert Dugay André Oudlet.	Assault with intent to murder. Assault and battery	Found do	do do	do Not guilty.	To be imprisoned for one month. Discharged.

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RETURN by the Clerk of the Peace, of times and places of holding Sessions of the Peace during the last three years, Indictments found, Trials had, Convictions, and Sentences.—(Continued.)

Places at which General Sessions of the Peace have been held, in this District, during each of the last three years.	The times at which they have been held during said period.	Names of the Justices of the Peace who presided, & who attended, &c.	Indictments prosecuted.	AGAINST WHOM.	FOR WHAT OFFENCES.	Found or not found.	Tried or not tried.	VERDICT.	JUDGMENT.
New Carlisle.....	1841. 11th January.	F. McRae, President, 1 day R. Caldwell, 1 " W. McDonald, 1 " Edward H. Enright, 1 "	0	John Whitton, Junr. Bridget Gleason	Assault and battery. do	Found previously. do do	No witnesses appeared do do	Discharged. do	
Percé.....	11th August.	F. McRae, President, 1 " Victor Mignault, 1 " P. Duval, 1 " J. B. Blondin, 1 " A. Thibaudien, 1 "	0						
Douglas-Town.....	26th do	J. D. McConnell, Prst. 2 " Henry O'Hara, 2 " H. B. Jonnston, 2 "	1	Edward Quigley John Savidon, and al.	do do	Found do	Traversed. Tried	Not guilty.	Discharged.
New Carlisle.....	1842. 11th January.	F. McRae, President, 3 " William McDonald, 3 " E. W. Enright, 3 "	1	James Assels Ambrose Rabin	do Nuisance	do do	Traversed. Tried	Guilty	Fined 5s. and costs, and to remove nuisance forthwith.
Do.	21st July.	Hon A W Cochrane, President, 2 " Farguhar McRae, 2 " William McDonald, 2 " J. D. McConnell, 2 "	1	German Courtiers. James Assels Benjamin Sire, and al.	Breaking windows. Assault Larceny	do do do	Tried Not tried Traversed.	do Plead guilty	Fined 40s. and to be imprisoned until paid. Fined one shilling.

Percé, 8th August, 1842.

(Signed)

BESEE & WILKIE, C. P.



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4th October.

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No. 41.  
SHERIFF'S RETURN OF COMMITMENTS AND DISCHARGES at New Carlisle Gaol, from the year 1830 to 1842.

DATE.	PRISONERS' NAMES.	RESIDENCE.	OCCUPATION.	CRIME.	BY WHOM COMMITTED.	WHEN DISCHARGED.	BY WHOM DISCHARGED.
21st August, 1830	Matthew McLean	Cox Township	Labourer	Insult to the Magistrates	James Sherar, Esquire	23rd August, 1830	James Sherar, Esquire.
16th October	James Gilkin	New Carlisle	Farmer	Assault	do	do	do
27th do	François Dugéye	Paspébiac	do	do	Mr. Justice Thompson	1st November	Mr. Justice Thompson.
27th March, 1831	William Foley	New Carlisle	Labourer	do	do	do	do
5th May	Amié Duguay	Paspébiac	Fisherman	do	do	do	do
14th October	Augé Poirer	Cox Township	Farmer	do	do	do	do
15th November	do	do	do	Derangement	do	14th December, 1831	By the Court of General Session.
18th January, 1832	do	do	do	do	do	30th June	James F. Winter, Sheriff.
25th April	Charles Lindsay	Ristigouche	Teacher	Debt	do	5th May	Habeas Corpus.
do	Rufus Chamberlain	do	Trader	do	do	25th July	By the Court of General Session.
23rd July	Alexander McNeil	Port Daniel	Farmer	Contempt of Court.	do	3rd August	Henry O'Hara, Esquire.
29th August	Donald Ramsay	New Carlisle	Shoemaker	Assault	Henry O'Hara, Esquire	24th November	do
20th November	John Young	New Barnston	Merchant	Debt	do	12th January, 1833	By the Court of General Session.
12th January, 1833	John Arthur	Paspébiac	Trader	Assault	do	do	do
13th May	Simon Laroche	Cox Township	Farmer	do	do	do	do
do	do	Paspébiac.	do	do	do	do	do
do	John Dougen	do	do	do	do	14th August	do
13th August	Jacques Clermont	do	Sail Maker	Felony	Farquhar McRae, Esquire.	28th September	Habeas Corpus.
15th September	John E. Greenchin	do	Merchant	Capias	do	20th March, 1834	Martin Sheppard, Esquire, Sheriff.
16th October	Peter Collins.	Percé	Yeoman	Suspicion	do	12th November, 1833	do
14th November	John Carvasie	Port Daniel	do	Assault	William Carter, Esquire	1st April, 1834	Habeas Corpus.
14th March, 1834	James Gillespie	Ristigouche	do	do	Robert Caldwell, Esquire.	17th June	By the Court of General Session.
17th June	Peter Bourget.	Port Daniel.	Fisherman	do	Henry O'Hara, Esquire.	14th January, 1835	Martin Sheppard, Esquire, Sheriff.
22nd December	Pierre Aubry.	Newport.	Inn-keeper	Felony	Farquhar McRue, Esquire.	1st May	do
18th April, 1835	François Lajois	Paspébiac	Mariner	Debt	Martin Sheppard, Esquire, Sheriff.	14th September	do
14th July	Charles Bryol	Carleton.	Farmer	do	do	do	do
8th September	Patrick Enright	Percé	do	Capias	Henry O'Hara, Esquire	21st April, 1836	Habeas Corpus.
18th December	Eden Bobee	New Carlisle	do	Felony	do	4th March.	do
4th March, 1836	Matthew McLean	Cox Township	Yeoman	Contempt.	do	21st June.	do
7th June	do	do	do	do	do	28th September	do
20th do	Amié Crogen	Bonaventure	Miller	Assault	do	21st October	Henry O'Hara, Esquire.
28th do	François Lajois	Paspébiac	Inn-keeper	Contempt of Court.	do	21st June.	do
19th October	Charles Bastard	Maria.	Farmer	Assault	Hilary Michaud, Esquire	28th September	do
9th March, 1837	Hezekiel Kerstead	do	Blacksmith	Capias	do	21st October	Martin Sheppard, Esquire, Sheriff.
17th do	Jean Lamy.	Paspébiac	Farmer	Debt	By order of Court	17th March.	do
2nd September	William Dobson	New Carlisle.	Theftman	Theft	E. H. Enright, Esquire.	24th May, 1837	do
16th do	James Willie.	Hopetown	Farmer	Contempt of Court.	By order of Court	4th September.	By order of the Court of General Session.
9th March, 1838	Jean Lamy.	Paspébiac	do	do	do	6th do	Mr. Justice Thompson.
5th September.	William Day	Bonaventure	Trader	Felony	Robert Caldwell, Esquire.	6th do	Habeas Corpus.
6th April.	Alexander McDonald	Hopetown	Tailor	Assault	do	9th April, 1838.	Robert Caldwell, Esquire.
9th October	John Appleby	Paspébiac	Seaman	Abducting	William Macdonald, Esquire	29th October.	William Macdonald, Esquire.
7th November.	François Lambert	Newport.	Fisherman	Assault	Henry O'Hara, Esquire.	23rd November.	Henry O'Hara, Esquire.
24th January, 1839	John Arthur	Paspébiac	Trader	Charge of felony.	William Macdonald, Esquire.	9th February, 1839	Habeas Corpus.
26th March	Andrew Smith	Port Daniel.	Fisherman	do	John Le Boutillier, Esquire.	do	do
22nd do	Nicolas Lelievre.	do	do	do	Farquhar McRae, Esquire	do	do
28th do	Margaret Logan.	Cox Township	Spinner.	Felony	do	22nd August, 1840	By the Court.
22nd April.	do	do	do	do	Robert Caldwell, Esquire.	2nd May, 1839	Habeas Corpus.

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SHERIFF'S RETURN OF COMMITMENTS AND DISCHARGES AT NEW CARLISLE GAOL, FROM THE YEAR 1830 TO 1842.—(Continued.)

DATE.	PRISONERS' NAMES.	RESIDENCE.	OCCUPATION.	CRIME.	BY WHOM COMMITTED.	WHEN DISCHARGED.	BY WHOM DISCHARGED.
27th April, 1839.	Philip Skelton.	Paspébiac	Carpenter	Disobedient	Jas. McCracken & W. McDonald, Esqs.	20th May, 1839	Liberated by the Court.
14th July	Antoine Aiton	Shoobiac	Farmer	Larceny	J. G. Le Bel, Esquire.	25th July	By Court of General Sessions of the Peace
do do	Thomas Emry	Dalhousie	Saddler	Debt	do	23rd do	" the Sheriff.
23rd do	John Chapoyias	Paspébiac	Fisherman	Riot	Wm. McDonald.	do do	" the Court of General Sessions.
1st September	George Sutton	Pabos	Fisherman	Debt	Capias	13th September.	By the Sheriff.
30th do	Joshua Le Boutillier.	Cape de Rosier.	Trader.	do	do	19th November	Wm. Day, Deputy Sheriff.
7th October	Nicolas Dubé	Carlton	Seaman	Riot	J. G. Le Bel, Esquire	24th October.	Mr. Justice Thompson.
7th September.	Jean Lamy	Paspébiac	Farmer	Debt	By the Provincial Court	14th do	By the Sheriff.
15th January, 1840	Pierre Trudelle	Hope-town	Fisherman	Petty Larceny	" Court of General Session	23rd January, 1840	do do
12th February	John Arthur	Paspébiac	Trader	Felony	" his bail	21st February	Acquitted by the Court.
17th June	John Brown & John Buskine	Carlton	Seaman	Desertion	" Joseph Meagher, Esquire	15th July.	do do
9th July	Roderick McLean	Restigouche.	Lumberer	Debt	" the Sheriff of Gaspé	14th do	By order of the Sheriff.
13th September.	Prudent Blanchet.	Carlton	Blacksmith	Murder	" Joseph Meagher, Esquire	14th May, 1841	Sent to Quebec by the Sheriff.
4th March, 1841.	George Brown	New Richmond	Carpenter	Debt	Capias ad respondentum.	26th April	By the Sheriff.
12th September	{ George Southat, Robert Skulle, Duncan Graham, and David Robertson.	Brig Faken.	Seaman	Threatening to abscond	By Joseph Meagher, Esquire	27th September.	do do
16th September	Fabian Garand	Hope-town	Labourer	Levying his employer	Farquhar McRae, Esquire	30th do	Robert Caldwell, Esquire.
13th January, 1842	Germain Coust.	Hope-town	Farmer	Riot	do	15th January, 1842.	do
18th do	Charles Richard	Maria	do	Assault	Joseph Meagher, Esquire	19th March.	Joseph Meagher, Esquire.
9th March.	Jean Lamy	Paspébiac	do	Contempt of Court.	By the Court.	9th do	By order of the Court.
21st July	Germain Coust.	Hope-town	Fisherman.	Larceny	By the Court of General Session.		

Gaoler's Apartments, New Carlisle, }  
25th July, 1842. }  
(Signed) M. SHEPPARD, Sheriff. Certified, JOHN McCLELLAN, Gaoler.

No. 42.

SHERIFF'S RETURN OF COMMITMENTS AND DISCHARGES AT PERCÉ GAOL, FROM THE YEAR 1841 TO 1842.

DATE.	PRISONERS' NAMES.	RESIDENCE.	OCCUPATION.	CRIME.	BY WHOM COMMITTED.	WHEN DISCHARGED.	BY WHOM DISCHARGED.
August 12th, 1841	John McKenzie	Cape Bazo.	Fisherman.	Theft	Henry O'Hara, Esquire	October 27th, 1841.	John Beaker Blondin, Esquire.
January 31st, 1842	William Bragg.	Percé	Farmer	Assault	John Beaker Blondin, Esquire.	February 1st, 1842	do do

Gaoler's Apartments, Percé, }  
August 4th, 1842. }  
N. B. I am not able to give a further Report, in consequence of Mr. William Annett, the late Gaoler, having left no Records, and refused giving me any, observing that they belonged to himself, and that he kept them for his own satisfaction.  
(Signed) M. SHEPPARD, Sheriff. Certified, JOSEPH S. TUZO, Gaoler.  
J. S. TUZO.

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No. 43.

List of TABULAR DESCRIPTION of Writs of Capias ad respondendum issued out of the Provincial Court for the Inferior District of Gaspé, from the year 1834, to the year 1842, inclusively.

CASE.	DATE OF WRIT.	WRIT WHEN RETURNABLE	WHEN RETURNED.	NAME OF BAILIFF.	ADVOCATE'S NAME.	REMARKS.
Francis Oakley vs. Peter Collins	7th November, 1833	2nd June, 1834	14th December, 1833	Andrew Chisholm	Thomas C. Aylwin, Esquire.	Returnable at Quebec.
Peter Collins vs. Louis Ouellet	28th May, 1834	1st August	25th July, 1834	William Hall	Edouard Thibaudeau.	
Duncan Hay vs. William Hall	31st January	do	1st August	Barnabas McGie	John R. Hamilton.	
Michael Fitzgerald vs. Duncan Hay	26th September	2nd March	2nd March	Personally	Edouard Thibaudeau.	
Robert Houston vs. Charles Biquat	19th February, 1835	4th do	do	Edward Badeaux.	do	
Robert Houston vs. Ezekiel Kearsland	do	2nd do	do	do	do	
William Leagler vs. Edward H. Enright	27th do	4th do	do	Barnabas McGie	do	
William Cheyne vs. Michael Mandeville.	11th April	1st July	1st July	Personally	Edouard Thibaudeau.	
Michael Fitzgerald vs. Duncan Hay	9th do	do	do	John Day	John R. Hamilton.	
Duncan Hay vs. George S. Harris	3rd June	10th do	6th do	do	do	
Arthur Ritchie, and al., vs. Alexander Roberson.	6th July	1st October	1st August	do	do	
Duncan Hay vs. George S. Harris	10th do	11th September	11th September	do	do	
Joseph Meagher vs. Robert Houston	7th do	do	do	Personally	Edouard Thibaudeau.	
John Albro, and al., vs. P. & A. Blampied	1st August	10th August	6th August	Samuel Ray	John R. Hamilton.	
Peter Duval, and al., vs. Patrick Enright	7th September	14th September	11th September	Personally	do	
Joseph Comard, and al., vs. William Gills	5th do	21st do	18th do	Barnabas McGie	do	
William Cheyne vs. Patrick Ryan	12th do	30th do	30th do	Robert Short	do	
Victor Mignault, Esquire, vs. William Hall	19th do 1836	24th do 1836	24th do 1836	Personally	do	
William Cheyne vs. Michael Mandeville.	30th January	1st March	1st March	Barnabas McGie	do	
Arthur Ritchie, and al., vs. William Cheyne.	30th February	1st June	1st June	do	do	
Laurent Bourdages vs. Felix Arbour	12th April	1st July	1st July	Robert Smollett	do	
Robert Houston vs. Joseph Meagher	do do	do do	do do	William Day	Peter Winter	
Samuel Hawkins vs. John Billingsley	5th May, 1837	do do 1837	do do 1837	Robert Smollett	John R. Hamilton.	
P. Normand vs. L. Savard, and al.	15th September	1st August, 1838	1st August, 1838	John Wiseman	Etienne Martel.	
John Hogan vs. Germain Lambert.	6th April	do do	do do	Robert Smollett	John R. Hamilton.	
John Carr vs. A. B. Brownson.	8th August	16th do	16th do	P. Déféche	do	
Neil McQuarry vs. Nicholas Boucher	14th October, 1838	1st do 1839	do do 1839	Barnabas McGie	do	
Thomas Sauvage vs. John Vibert	13th May, 1839	1st July	1st July	Personally	do	
William Hamilton vs. Lawrence D. Larson	27th June	8th do	8th do	Barnabas McGie	do	
Peter Adams, and al., vs. Roderick McLean	3rd July	9th do	9th do	Personally	do	
Dayid Le Boutillier, and al., vs. George Sutton	8th August	19th October	do do	Barnabas McGie	do	
Etienne Martel vs. Jeremiah Donaghue	do do	16th August	19th August	John Whitton, Junior	do	
Anthony Clarke vs. John Hamilton	5th September	11th September	11th September	Personally	Etienne Martel.	
Arthur Ritchie, and al., vs. Thomas Curry	11th July	do do	do do	do	John R. Hamilton.	
Norman McLeod vs. Samuel Russel	5th do	do do	do do	Barnabas McGie	do	
James Sutherland vs. Peter Sutherland	14th October	1st June, 1840	do do	do	do	
Thomas Verge, and al., vs. Hilary Michaud	22nd April, 1840	1st July	30th June, 1840	Personally	Etienne Martel.	
Norman McLeod vs. Samuel Russel	5th September	22nd September	14th September	Barnabas McGie	John R. Hamilton.	
Arthur Ritchie, and al., vs. Andrew Dean	7th February	1st June, 1841	do do	do	do	
Arthur Ritchie, and al., vs. Alexander McDonald	25th November	1st March	10th March, 1841	Archibald Kerr	do	
Robert McIntosh, and al., vs. George Brown	1st March, 1841	10th do	1st do 1842	Barnabas McGie	John R. Hamilton.	
R. W. Fitton vs. Michael Molloy	4th February, 1842	1st do 1842	1st do 1842	do	do	
A. Ritchie, and al., vs. Alexander Campbell	1st October, 1840	1st June, 1841	No return	do	do	
William Hamilton vs. Hugh Ramsay, and al.	1st June, 1842	1st July, 1842	do	do	do	

Sheriff's Office,  
Percé, 2nd August, 1842.

Certified,

(Signed)

M. SHEPPARD, Sheriff.  
Appendix  
(G.)  
4th October.

Returnable at Quebec. Retrait filed. Writ withdrawn.  
Retrait filed. Writ withdrawn.

Returnable at Quebec. Writ withdrawn.

Returnable at Quebec. Retrait filed. Writ withdrawn.  
do

Returnable at Quebec. Retrait filed.  
do

Returnable at Quebec. Retrait filed.  
do

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(G.)  
4th October.

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(G.)  
4th October.

No. 44.

LIST OF EXECUTIONS ISSUED OUT OF HER MAJESTY'S PROVINCIAL COURT FOR THE INFERIOR DISTRICT OF GASPE, FROM THE YEARS 1839 TO 1842, INCLUSIVELY.

NAMES OF PARTIES.	AMOUNT OF JUDGMENT.		AMOUNT OF COSTS TAKED.		AMOUNT LEVIED.		SHERIFF'S FEES.		Baillifs' Fees, including mileage.		PLACE WHERE THE WRIT ORIGINATED.
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	
Peter Duval vs. William Donahay	17	10 10	7	10 10	Settlement						Percé.
Peter Duval, vs. John Morisy	82	13 2	10	11 6	Nil						do
Peter Duval, vs. Joseph Laflamme	17	1 84	11	7 0	Stay of proceedings						do
François Jauvin, and al., vs. J. Beaker Blondin	11	15 0	8	1 8	Nil						do
François Jauvin, and al., vs. Pierre Jacques	44	10 0	8	10 4	£44 0 0						Douglas-Town—lands &c. sold.
Joshua Denies, vs. James Smith	13	18 7	6	8 6	Nil						do
P. Duval, and al., vs. Charles Querion	38	12 44	10	18 7	do						Percé.
François Ahier, vs. Laurent Fortier	15	0 0	7	5 0	£125 0 0						Douglas-Town—lands, &c. sold.
François Ahier, vs. Eileen Prunty	38	17 0	9	17 2	126 0 0						do
P. Desjive, vs. Felix Dunn, and al.	25	10 0	14	8 5	39 0 0						Percé.
P. Duval, vs. John Dela Cour	69	15 10	11	10 4	18 0 2						do
Victor Mignault, vs. Lawrence Lamb	11	10 0	5	4 8	5 4 8						do
Thomas Sauvage, vs. Jean Briard, and al.	13	5 3	4	15 4	Nil						do
Peter Duval, vs. André Ouellet	16	4 1	8	2 0	do						Percé—Capias ad satisfaciendum.
Peter Duval, vs. John Dela Cour	69	15 10	12	7 8	Stay of proceedings						do
Peter Duval, vs. Joseph Labbé	46	18 3	8	10 4	Settlement						do
P. Mourant, vs. François Denies	15	0 0	2	10 8	Nil						do
François Ahier, vs. Thomas Burns	12	19 9	5	14 0	£33 0 0						Douglas-Town.
Peter Duval, vs. Patrick O'Brien	97	6 7	58	10 7	£20 15 0						do
Peter Duval, vs. Patrick O'Brien			Sat'n. £6 14 2		£16 3 0 not returned. Op- posit'n to sale of lands filed.						Percé.
Peter Duval, vs. Patrick O'Brien			1 10 0		do						do
Peter Duval, vs. Patrick O'Brien, and Patrick O'Brien, opponent			Sat'n. £6 14 2		Stay of proceedings, } and settlement }						do
François Ahier, vs. John Ferguson	100	0 0	8	17 4	Nil						Percé—lands 4 times advertised, and stay of pro- ceedings filed each time.
François Ahier, vs. John Ferguson			11	10 6	do						Douglas-Town.
Joseph S. Tuzo, vs. Timothy Driscoll, and vice versa			16	17 4	£19 18 10						do
Peter Duval, vs. John Lawrence	62	0 0	11	15 8	Nil						Percé.
Patrick Enright, vs. J. Baptiste Collin	14	0 0	14	1 0 Sat. £6 19 2	£71 0 0						do
François Ahier, vs. Marie Gandreau, and al.	75	0 0	0	9 0	65 0 0						Lands, &c. sold.
Thomas Sauvage, vs. J. Briard, and al.	18	5 3	5	2 8	Nil						Douglas-Town—do.
François Jauvin, vs. J. Beaker dit Blondin	11	18 0	13	0 0	do						Percé.
Peter Duval, vs. John Lawrence	62	0 0	14	2 0	£11 0 0						do
Peter Duval, vs. John Dela Cour	69	15 10	17	12 3	82 0 0						Lands, &c. sold.
Charles Le Bas, vs. Anthony Kasovic	38	6 1	14	11 2	Nil						do
Charles Le Bontillier, vs. James Scott	12	5 4	9	0 0	do						do
Legat Lambert, vs. Isaac Man, and Robert Christie, Tiers Saisie	46	18 2	0	9 8	£45 16 0						The Writ in this cause issued from New Carlisle, County of Bonaventure; but as the cause was ori- ginally instituted in the county of Gaspé, it is now included in this Report.

Certified,

Douglas-Town, 16th August, 1842.

(Signed)

M. SHEPPARD,  
Sheriff, D. G.

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(G.)  
4th October.

No. 45.

*Letter from the Sheriff, in answer to queries as to the composition of Grand and Petty Juries, and the Districts and distances from which they are summoned.*

Percé, 5th August, 1842.

GENTLEMEN,

I have the honor to acknowledge the receipt of your letter of the 21st ultimo, requiring me to furnish: 1o. A tabular description of all Writs of Capias issued out of the Provincial Court of this District, with the dates of the same, the names of the parties, when returnable, and when returned. 2o. A calendar of the names of the prisoners confined in the several gaols in this District, by whom committed, for what offence, and when and by whom discharged. 3o. The quality of the persons selected to compose the Grand and Petit Jurors, the number generally summoned, the distance they have to travel, whether the Jurors attend regularly, and if any have been fined for non-attendance. 4o. Whether the Courts of General Session have been regularly held, and the causes, if any, that have led to those Courts not being held in many parts of this District.

I beg leave to enclose the Tabular List, and a Calendar of the names of the prisoners confined in the several Gaols in this District.

I would remark that I am unable to furnish the Calendar of Percé Gaol beyond the time that the present Gaoler was appointed to office, as his predecessor, whom I was compelled to dismiss from office, kept no Record of that Gaol, whilst under his charge, nor could I obtain any from him.

The Inhabitants of the District of Gaspé, with very few exceptions, are fishermen and farmers.

I have always selected for Grand Jurors the most respectable of them, and the Merchants, and the Agents of large commercial houses, when duly qualified; and have met with considerable difficulty in finding a sufficient number of persons qualified to act as Grand Jurors. The Petit Jurors are fishermen and farmers.

I summon persons residing from Matapedia Township to New-Richmond, as Jurors for Carleton—from New-Richmond to New-Port, as Jurors for New-Carlisle—from New-Port to Mal-Bay, as Jurors for Percé, and from Mal-Bay to Fox River, as Jurors for Douglas-Town. The greatest distance any of the Jurors have to travel is about fifteen leagues. The quantity of Jurors summoned for each Session is about eighty-four. Their attendance is, in general, regular; and with the exception of three Jurors fined during the Sessions at Carleton, in July, 1834, no Jurors, to my recollection, have been fined for non-attendance.

The absence of the Magistrates has been the sole cause which has prevented the Courts of General Session being regularly held in this District. In one instance, which occurred at Douglas-Town, in 1841, the Court broke up in consequence of the state of insobriety in which one of the Magistrates then was,—which caused another of the Magistrates to leave, so that there was no quorum.

I beg leave again to revert to the state of insecurity of the Common Gaol, at Percé, and the necessity of a skirt wall being erected around that building, to prevent the friends of prisoners com-

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municating with them, from the outside, and introducing edge tools to effect their escape; and also to suggest the expediency of erecting lock-up houses or places of temporary detention, in such parts of the District as may be deemed the most eligible, for the safe conveyance of prisoners from the different parts of this extensive District, to the Gaols of New-Carlisle and Percé.

I have the honor to be,  
Gentlemen,  
Your obed. humble servant,

(Signed) M. SHEPPARD,  
Sheriff D. G.

The Commissioners of }  
Gaspé Enquiry, Percé. }

No. 46.

*Letter from Prothonotaries, enclosing Returns, Tariff of Fees in Provincial Court.—and answering questions respecting estreating of recognizances.*

Percé, the 10th August, 1843.

GENTLEMEN,

We beg to acknowledge the receipt of your letter of the 21st of July last, and in answer to the same we would briefly observe that we have prepared a tabular Return of the Actions brought in the Provincial Court of the Inferior District of Gaspé, during the last three years; in doing this we have the Counties of Gaspé and Bonaventure in separate parts. The former is enclosed, herewith, and marked A; the latter County return has been already given in.

We enclose a copy of the tariff of the Provincial Court of this District, but beg to refrain from making any suggestions respecting it, conceiving it to answer in every way the enquiries of the Courts as at present established.

The following table will shew the amount of fees which has been received or due to us as Clerk of the Court for three years.

Amount of fees accrued to the Clerk of the Court for the District of Gaspé, in the years 1839-40-41.	YEAR.
£ s. d.	
180 0 0 ....	1839.
130 0 0 ....	1840.
50 0 0 ....	1841.

We beg to refer you to the Return, marked B, to meet your wishes as contained in paragraph third, respecting the times at which General Sessions of the Peace have been held, according to law, in this District, during the last three years, with other items of information, as required by you.

We are also requested to transmit a statement of the emoluments received by us as Clerk of the Peace during the same period, and if we did not

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personally attend any of the terms of the Provincial Court or Sessions of the Peace during said period, to note the fail. To this we would reply that the business in the Sessions being but little, the emoluments are not very great—ten pounds per annum might be considered a pretty fair average, but we have not sufficient data with us at present to render a complete account. To the latter part of the said paragraph we would observe that we have personally attended every term of the Provincial Court and Sessions of the Peace during the said period.

The Jurors for the Grand Jury have been summoned by the Sheriff of the District; the greatest distance from whence they are summoned is forty five miles. The persons selected for Grand Jurors are of the more wealthy and respectable class. The Petty Jurors are chosen from the land holders of the place. Generally Constables have been appointed at the Sessions, and required to attend the same, which they accordingly do, though sometimes reluctantly. Constables are usually sworn in at the Sessions, also, for to act as such in the various places of the neighbourhood.

No proceedings have been taken to amerce either Jurors or Constables for non-attendance: in fact these give better attendance generally than the Justices of the Peace.

We are also desired to state whether any recognizances or securities for the peace have been returned to us by Justices; in what case such recognizances have been forfeited by the parties, and whether we have adopted any proceeding to have the same estreated. The recognizances are frequently returned, and it has sometimes happened that some of them have been forfeited, but these have been for the most part very trivial cases, and such as by a late Act of the Legislature, may now be tried before a single Justice. It has not been usual to take measures for estreating recognizances here, owing to the distance, delay and difficulty in doing so.

We have the honor to be,  
Gentlemen,  
Your very obedient servant,

(Signed) BEBEE & WILKIE, P. P. C.

The Commissioners of }  
Gaspé Enquiry, Percé. }

TABLE OF FEES.

Province of Lower-Canada, } In the Provincial  
District of Gaspé. } Court.

It is ordered that the following Costs be allowed to the undermentioned officers of this Court, severally and respectively, until upon further consideration and experience the same shall be altered, that is to say:—

CLASS I.

Causes of £100, &c.

No. 1.

In each and every cause, real, personal and mixed, in which the *demande* shall be made for any specific sum of money which shall exceed the sum of one

hundred pounds currency, and in which the Defendant shall appear, and final judgment shall be entered; and in each and every cause in which the *demande* shall relate to immovable property or to any other matter or thing which in value shall exceed the sum of one hundred pounds currency, and shall not be made for any specific sum of money, and the Defendant shall appear and final judgment shall be entered; and in each and every cause in which the *demande* shall relate to immovable property, or to any other matter or thing, and shall also be made for any specific sum of money, and the value of such immovable matter or thing, and of such specific sum of money so demanded, or the value of either of them shall exceed the sum of one hundred pounds currency, and the Defendant shall appear and final judgment shall be entered; and in each and every cause of *séparation de corps et de biens* or *en retrait lignager*, in which the Defendant shall appear, and final judgment shall be entered:

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all proceedings not hereinafter especially provided for.....	10	0	0
To the Attorney for the Defendant for his costs upon all proceedings not hereinafter especially provided for..	7	10	0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	5	0	0

No. 2.

In each and every such cause as is last above described, which shall be settled at any period after the instructions to the Plaintiff's Attorney, and before the return of the process ad respondendum—

To the Attorney for the Plaintiff, for all his costs.....	£3	6	8
---	----	---	---

No. 3.

In each and every such cause as is above described, which (the Defendant having appeared) shall be settled at any period after the return of the process ad respondendum, and before *contestation en cause*:

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	6	13	4
To the Attorney for the Defendant for his costs upon all proceedings not hereinafter especially provided for..	5	0	0
To the Prothonotaries for their fees of office, upon all proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	2	15	10

No. 4.

In each and every such cause as is last above described, which (the Defendant having appeared) shall be settled at any period after *contestation en cause*, and before final judgment:

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all proceedings not hereinafter especially provided for..	10	0	0
To the Attorney for the Defendant for his costs upon all the proceedings not hereinafter especially provided for..	7	10	0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	5	0	0

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No. 5.

In each and every such cause as is last above described, in which the Defendant shall not appear, and final judgment shall be entered by default, or in which the Defendant having appeared shall confess judgment, without filing any exception or *défense au fonds* :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	7	10	0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	2	10	0

No. 6.

In each and every such cause as is last above described, which (the Defendant not having appeared) shall be settled at any period after the return of the process ad respondendum, and before the benefit of the defaults shall be allowed :

	£	s.	d.
To the Attorney for the Plaintiff for all his costs.....	5	0	0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	1	13	4

No. 7.

In each and every such cause as is last above described, which (the Defendant not having appeared) shall be settled at any period after the benefit of the default allowed, and before final judgment :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	7	10	0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	2	10	0

CLASS II.

Above £30 cy., and under £100 cy.

No. 1.

In each and every cause, real, personal and mixed, in which the *demande* shall be made for any specific sum of money, which shall exceed the sum of thirty pounds currency, and shall not exceed the sum of one hundred pounds currency, and in which the Defendant shall appear, and final judgment shall be entered, and in which the *demande* shall relate to immoveable property, or to any other matter or thing which in value shall exceed the sum of thirty pounds currency, and shall not exceed the sum of one hundred pounds currency, and shall not be made for any specific sum of money, and the Defendant shall appear, and final judgment shall be entered—and in each and every case in which the *demande* shall relate to immoveable property, or to any other matter or thing, and shall also be made for any specific sum of money, and the value of such immoveable property, matter or thing, and of such specific sum of money so demanded, or the value of either of them, shall exceed the sum of one hundred pounds currency, and the Defendant shall appear, and final judgment shall be entered :

	£	s.	d.	Appendix (G.)
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	7	10	0	4th October.
To the Attorney for the Defendant for all his costs upon all the proceedings not hereinafter especially provided for .....	5	16	8	
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant, in equal proportions.....	3	12	2	

No. 2.

In each and every such cause as is last above described, which shall be settled at any period after the instructions to the Plaintiff's Attorney, and before the return of the process ad respondendum :

To the Attorney for the Plaintiff for all his costs.....	£2	10	0
--	----	----	---

No. 3.

In each and every such cause as is last above described, which (the Defendant having appeared) shall be settled at any period after the return of the process ad respondendum, and before *contestation en cause* :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	5	0	0
To the Attorney for the Defendant for his costs upon all the proceedings not hereinafter especially provided for..	3	0	0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	1	16	8

No. 4.

In each and every such cause as it last above described, which (the Defendant having appeared) shall be settled at any period after *contestation en cause*, and before final judgment :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	7	10	0
To the Attorney for the Defendant for his costs upon all the proceedings not hereinafter especially provided for..	5	16	8
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	3	12	2

No. 5.

In each and every such cause as is last above described, in which the Defendant shall not appear, and final judgment shall be entered by default, or in which the Defendant having appeared shall confess judgment without filing any exception or *défense au fonds* :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	5	16	8
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	1	18	10

No. 6.

In each and every such cause as is last above described, which (the Defendant not having appeared) shall be settled at any period after the return of the process ad respondendum, and before the benefit of the defaults shall be allowed :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 3 10 0
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff..... 1 3 4

No. 7.

In each and every such cause as is last above described, which (the Defendant not having appeared) shall be settled at any period after the benefit of the defaults allowed, and before final judgment :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 5 16 8
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff..... 1 18 10

CLASS III.

Causes above £20 cy., and under £30 cy.

No. 1.

In each and every cause, real, personal and mixed, in which the demande shall be made for any specific sum of money, which shall exceed the sum of twenty pounds sterling, and shall not exceed the sum of thirty pounds currency, and in which the Defendant shall appear and final judgment shall be entered—and in each and every cause in which the demande shall relate to immoveable property, or to any other matter or thing which in value shall exceed the sum of twenty pounds sterling, and shall not exceed the sum of thirty pounds currency, and shall not be made for any specific sum of money, and the Defendant shall appear and final judgment shall be entered—and in each and every cause in which the demande shall relate to immoveable property or to any other matter or thing, and shall also be made for any specific sum of money and the value of such immoveable property, matter or thing, and such specific sum of money so demanded, or the value of either of them, shall exceed the sum of twenty pounds sterling, and shall not exceed the sum of thirty pounds currency, and the Defendant shall appear and final judgment shall be entered :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 4 6 8
To the Attorney for the Defendant for all costs upon all proceedings not hereinafter especially provided for.. 3 10 0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions..... 2 3 0

No. 2.

In each and every such cause as is last above described, which shall be settled at any period

after the instructions to the Plaintiff's Attorney, and before the return of the process ad respondendum :

Table with 2 columns: Description, Amount
To the Attorney for the Plaintiff for all his costs..... £1 10 0

No. 3.

In each and every such cause as is last above described, which (the Defendant having appeared) shall be settled at any period after the return of the process ad respondendum, and before contestation en cause :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 3 0 0
To the Attorney for the Defendant for his costs upon all the proceedings not hereinafter especially provided for.. 2 0 0
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by Plaintiff and Defendant in equal proportions..... 1 6 8

No. 4.

In each and every such cause as is last above described, which (the Defendant having appeared) shall be settled at any period after contestation en cause, and before final judgment :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 4 6 8
To the Attorney for the Defendant for his costs upon all the proceedings not hereinafter especially provided for.. 3 10 0
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions..... 2 3 0

No. 5.

In each and every such cause as is last above described, in which the Defendant shall not appear, and final judgment shall be entered by default, or in which the Defendant having appeared shall confess judgment, without filing any exception or defense au fonds :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 3 10 0
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff..... 1 3 4

No. 6.

In each and every such cause, as is last above described which (the Defendant not having appeared) shall be settled at any period after the return of the process ad respondendum, and before the benefit of the defaults shall be allowed :

Table with 3 columns: £, s., d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for.. 2 6 8
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff..... 0 15 0

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No. 7.

In each and every cause, as is last above described which (the Defendant not having appeared) shall be settled at any period after the benefit of the defaults allowed and before final judgment :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	3	10	0
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	1	3	4

CLASS IV.

Causes above £10 stg., and under £20 stg.

No. 1.

In each and every cause, real, personal and mixed, in which the *demande* shall be made for any specific sum of money, which shall exceed the sum of ten pounds, stg., and shall not exceed the sum of twenty pounds sterling, and in which the Defendant shall appear, and final judgment shall be entered, and in each and every cause in which the *demande* shall relate to immoveable property, or to any other matter or thing which in value shall exceed the sum of ten pounds sterling, and shall not exceed the sum of twenty pounds sterling, and shall not be made for any specific sum of money, and the Defendant shall appear, and final judgment shall be entered—and in each and every cause in which the *demande* shall relate to immoveable property or to any other matter or thing, and shall also be made for any specific sum of money, and the value of such immoveable property, matter or thing, and of such specific sum of money so demanded, or the value of either of them, shall exceed the sum of ten pounds sterling, and shall not exceed the sum of twenty pounds sterling, and the Defendant shall appear, and final judgment shall be entered :

	£	s.	d.
To the Attorney for the Plaintiff for all his costs upon all the proceedings not hereinafter especially provided for.....	3	0	0
To the Attorney for the Defendant for all his costs upon all the proceedings not hereinafter especially provided for.....	2	6	8
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	1	8	10

No. 2.

In each and every such cause as is last above described, which shall be settled at any period after the instruction of the Plaintiff's Attorney, and before the return of the process ad respondendum :

To the Attorney for all his costs.....	£1	3	4
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No. 3.

In each and every such cause as is last above described, which (the Defendant having appeared) shall be settled at any period after return of the process ad respondendum, and after *Contestation en cause* :

	£	s.	d.
To the Attorney for the Plaintiff for all his costs upon all the proceedings not hereinafter especially provided for..	2	0	0
To the Attorney for the Defendant for all his costs upon all the proceedings not hereinafter especially provided for.....	1	0	0
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	0	13	4

No. 4.

In each and every such cause as is last above described, which (the Defendant having appeared) shall be settled at any period after *contestation en cause*, and before final judgment :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	3	0	0
To the Attorney for the Defendant for his costs upon all the proceedings not hereinafter especially provided for..	2	6	8
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff and Defendant in equal proportions.....	1	8	10

No. 5.

In each and every such cause as is last above described, in which the Defendant shall not appear, and final judgment shall be entered by default, or in which the Defendant having appeared, shall confess judgment without filing any exception or *défense au fonds* :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	2	16	8
To the Prothonotaries for their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	0	18	6

No. 6.

In each and every such cause as is last above described, which (the Defendant not having appeared) shall be settled at any period after the return of the process ad respondendum, and before the benefit of the defaults shall be obtained :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	2	0	0
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	0	6	8

No. 7.

In each and every such cause as is last above described, which (the Defendant not having appeared) shall be settled at any period after the benefit of the defaults allowed, and before final judgment :

	£	s.	d.
To the Attorney for the Plaintiff for his costs upon all the proceedings not hereinafter especially provided for..	2	16	8
To the Prothonotaries for all their fees of office upon all the proceedings not hereinafter especially provided for, to be paid by the Plaintiff.....	0	18	6

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And it is further ordered, that the following costs be also allowed to the undermentioned officers of this Court, severally and respectively, until upon further consideration and experience the same shall be altered—that is to say :—

TO THE ATTORNIES.

In every cause whatsoever, in which *fius de non proceder* shall be filed, for the entire proceedings thereon, whether such *fius de non proceder* be withdrawn or prosecuted to judgment, including every matter incident thereto :

	£	s.	d.
To the Attorney for the <i>Execipient</i> ....	1	15	0
To the Attorney for the Respondent..	1	15	0

In every cause whatever, in which a trial by jury shall be ordered, for striking such jury, and all the proceedings incident thereto :

	£	s.	d.
To the Attorney for the Plaintiff.....	0	11	8
To the Attorney for the Defendant...	0	11	8

For all the proceedings upon any writ of error, *certiorari, mandamus, prohibition, quo warranto*, or attachment, which shall not be settled before the motion for filing such writ :

	£	s.	d.
To the Attorney suing out such writ...	4	6	8
To the Attorney for the Respondent..	3	10	0

For all the proceedings upon any writ of error, *certiorari, mandamus, prohibition, quo warranto*, or attachment, which shall be settled before the motion for filing such writ :

	£	s.	d.
To the Attorney suing out such writ..	2	3	4
To the Attorney for the Respondent..	1	15	0

For all the proceedings upon any writ of *habeas corpus*, which shall not be settled before the motion for filing such writ :

	£	s.	d.
To the Attorney suing out such writ..	1	3	4
To the Attorney for the Respondent..	1	0	0

For all the proceedings upon any writ of *habeas corpus*, which shall be settled before the motion for filing such writ :

	£	s.	d.
To the Attorney suing out the writ...	0	13	4
To the Attorney for the Respondent..	0	11	8

For all the proceedings upon a rule *nisi* in the nature of a *scire facias* to revive a judgment :

	£	s.	d.
To the Attorney for the Plaintiff.....	1	3	4
To the Attorney for the Defendant...	0	16	8

For all the proceedings on suing out a writ of execution .....

	£	s.	d.
For every opposition filed, which shall not be contested, to the Attorney filing such opposition.....	2	10	0

For prosecuting to judgment a report of distribution or of collocation, which shall not be contested :

To the Attorney prosecuting the same. £2	10	0
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For all the proceedings upon a contestation of a report of distribution and collocation, or of distribution or of collocation which shall not be withdrawn before the inscription of such contestation upon the roll for hearing :

	£	s.	d.
To the Attorney filing such contestation	3	0	0
To the Attorney for the Respondent..	2	10	0

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For all the proceedings upon a contestation of a report of distribution and collocation, or of distribution or of collocation which shall be withdrawn before the inscription of such contestation upon the roll for hearing :

	£	s.	d.
To the Attorney filing such contestation	1	6	8
To the Attorney for the Respondent..	1	3	4

For all the proceedings upon a *commission rogatoire*, or commission in the nature of a *commission rogatoire*,—the examination of witnesses excepted :

	£	s.	d.
To the Attorney prosecuting the execution of such commission.....	1	0	0
To the Attorney Respondent thereon..	0	11	8
For the examination in chief of each witness.....	0	3	4
For the cross-examination of each witness.....	0	3	4

For all the proceedings in a case of licitation of one *héritage* or more.

To the Attorney prosecuting the same. £10	0	0
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For all the proceedings in any cause against a *tiers saisi* whose declaration shall not be contested, the sum which would have been allowed in such cause to the Plaintiff's Attorney if the cause had been settled before the return of the process ad respondendum :

TO THE PROTHONOTARIES.

In every cause whatsoever, in which *fius de non proceder* shall be filed, for all their fees of office, (writs, office copies, and official certificates excepted).....

In every cause whatsoever in which a trial by jury shall be ordered, for striking the jury, 10s., for the writ of *venire facias*, 5s., for calling and swearing the jury, 2s. 6d., and for recording the verdict, 2s. 6d.....

For their fees of office upon all the proceedings on any writ of error, *Certiorari, Mandamus, Prohibition, quo warranto*, or attachment, which shall not be settled before the motion for filing such writ, (writs, office copies, and official certificates excepted).....

For the like upon all the proceedings on any writ of *Habeas Corpus*, which shall not be settled before the motion for filing such writ, (writs, office copies, and official certificates excepted).....

For the like upon all the proceedings in a case of licitation of one *héritage* or more.....

For the like upon all the proceedings upon a rule *nisi*, in the nature of a *scire facias*, to revive a judgment, (writs, office copies, and official certificates excepted).....

For every report of distribution and collocation, or of distribution or of collocation .....

For the like upon all the proceedings for prosecuting to judgment a report of distribution and collocation, or of distribution or of collocation, (writs, office copies, and official certificates excepted) .....

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	£	s.	d.
For the like upon all the proceedings upon an opposition returned by the Sheriff, which shall not be contested, and upon which the opposant shall be collocated as a mortgagee or privileged creditor in the project of report of distribution, (writs, office copies, and official certificates, excepted)...	0	11	8
For the like upon all the proceedings upon an opposition which shall be so returned, and shall not be contested, and upon which the opposant shall be collocated <i>au marc la livre</i> , or be dismissed from his opposition, (writs, office copies, and official certificates excepted) .....	0	5	0
For the like upon all the proceedings upon a contestation of a report of distribution and collocation, or of distribution or of collocation, which shall not be withdrawn before the inscription of such contestation upon the roll for hearing. (writs, office copies, and official certificates excepted,) if the report be confirmed.....	0	13	4
For all the proceedings upon a contestation of a report of distribution and collocation, or of distribution or of collocation, which shall be withdrawn before the inscription of such contestation upon the roll for hearing, (writs, office copies, and official certificates, excepted).....	0	2	0
For every writ of summons or writ of subpoena issued, including all matters incident thereto, as the entry thereof, filing the <i>præcipe</i> , sealing, &c.....	0	3	0
For every other writ whatever, including all matters incident thereto, as the entry thereof, filing the <i>præcipe</i> , sealing, &c.....	0	5	0
For every search of the records of one year or less.....	0	1	0
For every general search.....	0	2	6
For all copies of papers not exceeding four folios of one hundred words each.	0	2	0
For every folio of one hundred words in such copies beyond four folios...	0	0	6
For every official certificate.....	0	1	0
For every record transmitted to the Court of Appeals, the making up thereof, return, list of papers, &c...	1	3	4
For the bond thereon.....	0	5	0
For the transcript of the proceedings <i>pr.</i> folio of one hundred words.....	0	0	6
For taking the deposition in chief of every witness examined upon a <i>commission rogatoire</i> , or upon a commission in the nature of a <i>commission rogatoire</i> .....	0	3	0
For every cross-examination upon any such commission .....	0	3	0
For all other proceed. upon such comm.	0	3	4
For every <i>Acte</i> of <i>tutelle</i> or <i>curatelle</i> , interdiction, emancipation or <i>avis de parens</i> , and the copy thereof, and all proceedings thereon, the deposition of witnesses excepted.....	0	6	0
For every deposition taken in the cases last above mentioned, or any or either of them.....	0	3	0
For every entry of an inventory, and the closing the same.....	0	5	0
For every paper registered <i>pr.</i> folio of 100 words each.....	0	0	6
For every attendance out of office... ..	0	5	0
For every attendance at the examination of a candidate for an advocate or notary's commission.....	0	6	8

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	£	s.	d.
For the certificate of the Judges there- of .....	0	3	4
For the advertisement .....	0	3	4
For the poundage upon monies paid into Court for the first £100 per centum.	1	0	0
For poundage upon all monies above £100 per centum .....	0	10	0

For their fees of office upon all the proceedings in any cause against a *tiers-saisie*, whose declaration shall not be contested, one third of the sum allowed in such cause to the Attorney for the Plaintiff.

TO THE SHERIFF.

	£	s.	d.
For the service of a writ of summons upon one Defendant in actions of the first class, including every duty to be performed by the Sheriff or other in his behalf, and every allowance to be made in or for such service, and the return, mileage excepted.....	0	10	0
For the like service of a writ of summons in actions of the second class, including as above, and mileage excepted as above.....	0	8	4
For the like service of a writ of summons in actions of the third class, including as above, and mileage excepted as above.....	0	6	8
For the like service of a writ of summons in actions of the fourth class, including as above, and mileage excepted as above.....	0	5	0
For the like service of every such writ of summons upon every additional Defendant in actions of the first class, including as above, and mileage as above excepted.....	0	5	0
For the like service of every such writ of summons upon every additional Defendant in actions of the second class, including as above, and mileage excepted as above.....	0	4	2
For the like service of every such writ of summons upon every additional Defendant in actions of the third class, including as above, and mileage excepted as above.....	0	3	4
For the like service of every such writ of summons upon every additional Defendant in actions of the fourth class, including as above, and mileage excepted as above.....	0	2	6
For every service of a writ of <i>Capias ad respondendum</i> , including every duty to be performed by the Sheriff or other on his behalf, and every allowance to be made in or for such service, and the return, mileage excepted .....	0	11	8
For the service of every writ of attachment or <i>arrêt simple</i> , if upon one Defendant only, including every duty to be performed by the Sheriff or others on his behalf, in or for such service, mileage and the expenses incurred in detaining the thing or things seized in the charge of the Sheriff excepted.....	0	10	0
For the like service of every such writ of attachment or <i>arrêt simple</i> upon additional Defendant, mileage excepted as above .....	0	3	4
For the service of every writ of attachment by seizure ( <i>saisie-arrêt</i> ), upon one Defendant, including every duty to be performed by the Sheriff or others on his behalf, in or for such service, and the return, mileage excepted as above.....	0	8	4

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	£	s.	d.
For the like service of every such writ of attachment by seizure ( <i>saisie-arret</i> ) upon every additional Defendant, mileage excepted as above.....	0	4	2
For the service of every writ of <i>saisie-gagerie</i> upon one Defendant, including every duty to be performed by the Sheriff and others on his behalf, in and for such service, and the return, mileage excepted as above....	0	11	8
For a bail bond.....	0	6	8
For the assignment of a bail bond.....	0	3	4
For summoning a jury, returning a writ of <i>venire facias</i> , including all charges incident thereto, and the return.....	1	0	0
For attending a jury by himself or by deputy, if they retire.....	0	2	6
For every return of <i>non est inventus</i> , or <i>nulla bona</i> , or mesne process, or on a writ of execution.....	0	3	4
For the execution of every writ of possession, including every duty to be performed by the Sheriff and others on his behalf, in and for such service, and the return, mileage excepted as above.....	0	11	8
For the execution of every order for the delivery of goods seized, or the discharge of a prisoner.....	0	3	4
For the entry of every opposition.....	0	5	0
For the return on a <i>fieri facias</i> , where sales have been prevented by opposition, <i>afin de distraire</i> , or <i>afin d'annuller</i> .....	0	3	4
For every deed of sale of immoveable estate, where the consideration does not exceed thirty pounds, including the registry of the said deed in the Sheriff's office.....	1	0	0
For the like, where the consideration exceeds thirty pounds, including the registry as above.....	1	10	0

The mileage to be allowed to the Sheriff in all cases of duty executed without the limits of Quebec, if such duty be executed by him personally, or if not, to the Sheriff's Deputy, by whom it shall be executed, and to be calculated upon the distance between the residence of the Sheriff's Deputy, in the parish in which the duty shall be performed, and the place at which it shall be performed, per league out and in, each one shilling.

THE CRIER.

	£	s.	d.
Upon the entry of every cause of the first class.....	0	3	4
Upon the entry of every cause of the second class.....	0	2	6
Upon the entry of every cause of the third class.....	0	1	8
Upon the entry of every cause of the fourth class.....	0	1	3
For his fees upon a jury trial.....	0	3	4
For every witness sworn in causes of the 1st, 2nd and 3rd classes.....	0	0	6
For his fees upon all the proceedings in a case of licitation.....	2	0	0

TO THE BAILIFFS.

For the service of a writ of subpoena, or copy of judgment, or rule of Court, or notice or other paper, including every duty to be performed by the Bailiff, and every allowance to be made in or for such service, and the return, mileage excepted.....	0	2	0
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	£	s.	d.
For mileage to be allowed in all cases of duty executed without the limits of the City of Quebec, and to be calculated upon the distance between the residence of the Bailiffs nearest to the place where such duty shall be executed, per league out and per league in, each.....	0	1	0

It is also ordered that upon every writ hereafter to be returned by the Sheriff, there be indorsed the fees due to such Sheriff for the service of such writ, and for mileage thereon.

It is also ordered that upon every writ of subpoena, copy of judgment, rule of Court, notice or other paper hereafter to be served by any Bailiff of the Court, there be endorsed upon the return thereof the fees due to such Bailiff for such service, and for mileage thereon.

It is also ordered that the Prothonotaries do not insert in any writ of execution hereafter to be issued any greater or other costs or fees than the costs and fees hereby allowed to the officers of this Court, severally and respectively.

And lastly it is ordered that in all causes in which the process ad respondendum was returned upon the first day of the February term, now last past, or upon any day since, the costs to be allowed to the several officers of this Court, severally and respectively, shall be allowed as by this table is directed.

(Signed) J. SEWELL, C. J.  
P. A. DE BONNE, J. B. R.  
J. KERR, J. B. R.

June 1, 1810.

The Judge of Her Majesty's Provincial Court for the District of Gaspé having taken into consideration the Table of Fees which is allowed to the different officers of the said Court by the order of the fourth day of July, 1829, ("until upon further consideration and experience the same should be altered") and the representations as to the said Table of Fees:—

It is hereby in consequence ordered as follows:—

That in all cases to be instituted, (from and after the 1st day of January next,) the following Table of Fees be allowed to the Prothonotary in lieu of the Table of Fees fixed and established by the order of this Court, of the said 4th July, 1829, that is to say:

FEES.

TO THE PROTHONOTARY.

In the Superior Term.

That upon every contested cause there be allowed to the Prothonotary a fee of 30s., to be paid as follows:—

	£	s.	d.
By the Plaintiff on the entry and calling of the cause.....	1	0	0
By the Defendant at the time of his filing any plea or pleas, either to the instance or to the action, (except a confession of judgment, upon which no fee shall be allowed).....	0	10	0
And when two or more Defendants shall sever in their defence, each Defendant shall pay the same fee of 10s.	0	10	0

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That in default cases, the Prothonotary's fees shall be 20s., payable by the Plaintiff as above.....	£	s.	d.
For each and every writ, the writ of Subpœna alone excepted.....	1	0	0
For every writ of Subpœna wherein shall not be inserted the names of more than four witnesses.....	0	3	0
And for each copy, if required.....	0	1	6
For each and every office copy of a Judgment, not exceeding 100 words.	0	2	0
And for every additional 100 words...	0	0	6
For each and every office copy of a Rule of Court.....	0	1	0
For each and every office certificate...	0	1	0
For a search beyond a year from the period of making the search.....	0	1	0

No allowance is made to the Prothonotary for a search within the year, reckoning as above, nor for a search upon issuing any writ of execution.

For every recognizance or bail bond taken in or out of court: .....	£	s.	d.
For a <i>Projet de distribution</i> , or collocation, where the Creditors collocated do not exceed four in number, exclusive of the Attornies and officers of the Court, if the <i>Projet</i> be homologated.....	0	3	0
For the like between more than four Creditors, exclusive of the attornies and officers of the Court, if the <i>Projet</i> be homologated.....	0	13	4
For the like between more than four Creditors, exclusive of the attornies and officers of the Court, if the <i>Projet</i> be homologated.....	1	3	4

Upon oppositions *afin de distraire*, *afin d'annuler*, *afin de charge*, or *afin de conserver*, and upon every *Inscription en faux*, or incidental demand, there shall be allowed to the Prothonotary the same fee as upon causes in chief payable in the same manner.

It being provided that upon any opposition <i>afin d'annuler</i> , <i>afin de charge</i> , <i>afin de distraire</i> , or, <i>afin de conserver</i> , which shall not be contested, the Prothonotary shall be entitled to 10s. and no more, and shall refund 10s. to the opposant out of the 20s. which shall have been paid by the opposant on or before the return day of the writ of Execution.....	£	s.	d.
Upon every opposition <i>afin de conserver</i> , which shall be contested, there shall be paid to the Prothonotary, by the party contesting the same, at the time of filing his plea of contestation a sum of 10s.....	0	10	0
For all fees on a contestation of a Report of Distribution or Collocation 5s. to be paid by the party contesting, at the time of the filing the contestation .....	0	5	0
If any answer be put into the contestation, the fee of the Prothonotary thereon shall be 5s., to be paid by the party filing the answer at the time of the filing of the same.....	0	5	0
For the execution of a <i>commission rogatoire</i> , 5s.....	0	5	0
For every deposition taken in virtue of such commission, 3s.....	0	3	0
For a <i>commission rogatoire</i> , or commission in the nature of a <i>commission rogatoire</i> , including all the necessary forms to be annexed thereto.....	0	5	0

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For all the Prothonotary's services in relation to a writ of <i>certiorari</i> , attachment, or <i>habeas corpus</i> , which shall not be settled before filing the same.....	£	s.	d.
For all the Prothonotary's services on a writ of error, prohibition, <i>mandamus</i> , or <i>quo warranto</i> , which shall not be settled before the filing thereof	0	10	0
For preparing a list of jurors.....	1	0	0
For attendance and striking a jury....	0	2	0
For publication of a will or act containing a substitution or <i>fidei commissis</i> .	0	11	8
For registering the same, at the rate of 6d. per each and every hundred words.	0	2	0
The like fees upon the probate of a last will and testament.	0	2	0
For all his fees upon a Licitation of one heritage 20s. to be paid by the <i>poursuivant</i> , 6s 8d. previous to the first <i>criée</i> ; 6s. 8d. previous to the second <i>criée</i> ; and 6s 8d. previous to the third <i>criée</i> .....	1	0	0
For each and every additional <i>héritage</i> included in such licitation, the Prothonotary shall be entitled to an additional fee of 5s., to be paid in the same manner and in the same proportion as above.....	0	5	0
For affixing and taking off seals of safe custody ( <i>scellé</i> ) the Prothonotary or Commissioner shall be entitled to a fee of 7s. 6d. for each and every vacation not exceeding two vacations.	0	7	6
Vacations per diem to be paid by the <i>poursuivant</i> , previous to the closing of each vacation.	0	7	6
For every copy of any paper in his custody, the Prothonotary shall be allowed 2s. for the first two hundred words, and 6d. for each and every additional 100 words, including certificate .....	0	2	0
For his fee on making up a record on a writ of appeal and returning the writ .....	1	3	4
For every <i>Acte</i> of <i>avis de parens</i> , including the order for convening the <i>Assemblée</i> , and copy of the <i>Acte</i> ....	0	5	0
Upon an <i>Avis de parens</i> , taken in the country parts by a sub-delegate, including the <i>Acte</i> of homologation and copy, the Prothonotary shall be entitled to receive 3s.....	0	3	0
For every attendance out of his office the Prothonotary shall be entitled to receive 7s. 6d. for each vacation, not exceeding two vacations per diem, exclusive of travelling expenses.	0	7	6
For a <i>clôture d'inventaire</i> .....	0	3	0
For the safe-keeping and payment of all monies deposited with the Prothonotaries, they shall be entitled to retain at the rate of 20s. on the first £100, and of 10s. upon each and every additional £100, and in that proportion upon any lesser sum.	0	7	6
For enregistering a renunciation to a community, or succession, or donation, or any other document to be enregistered, for every one hundred words, 6d.....	0	0	6

It is ordered that from and after this date, the following fees and allowances only be taken and received by the Prothonotary for all business to be by him done in and relating to suits or actions to be instituted in the Inferior Term, when the sum

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demanded does not exceed £10 sterling, of this Court, in lieu of all former fees or allowances whatsoever :—

	£	s.	d.
For a summons and declaration, which, including the copy thereof, shall not exceed 200 words.....	0	2	6
And for every 100 words more, 6d....	0	0	6
For certifying and annexing an account or other exhibit if required.....	0	0	6
For an original subpoena, which shall not contain more than the names of four persons.....	0	1	6
For every copy, if demanded.....	0	0	6
For every rule of Court, or Judgment, whether Interlocutory or final, of which a copy is demanded.....	0	1	0
For every writ of Execution.....	0	2	0
For every writ of <i>Saisie-gagerie</i> , <i>Saisie-arrêt</i> , or <i>Entiercement</i> , in French or English.....	0	3	0
For every copy thereof.....	0	1	0
For expediting a <i>Commission Rogatoire</i> , in conformity with the Rules of practice in French or English, and to which shall be annexed the Tariff allowed to the Commissary.....	0	3	0

And it is further ordered, inasmuch as by the Tariff now in force for the Inferior Terms of this Court, the Attorneys are allowed for certifying and annexing an account or other exhibit to a writ of summons and declaration, the sum of 1s. each, that in future, whenever the like services are performed by the Attorneys, they be allowed no other or greater fee for the same than is hereby allowed to the Prothonotary, 6d.

And it is ordered lastly, that no fee or emolument of any description whatever shall hereafter be taken or received by the Prothonotary, for any service whatsoever, either in or out of Court, although not especially provided for by the foregoing Tariff, until by sanction, rule or order of this Court, such other Fee or Emolument shall have been allowed and sanctioned.

(Signed) JNO. G. THOMPSON.

Provincial Judge.

New-Carlisle, 30th Sept., 1831.

Appendix (H.)  
10th October.

RETURN to an ADDRESS from the Legislative Assembly to His Excellency the Governor General, dated 20th September, 1842, praying for "A Statement of the Licenses granted, and Timber cut, on the waste Lands of the Crown, in the County of Restigouche, in the Province of New Brunswick, in the years 1835, 36, 37, 38, '39, '40, '41, and '42; with the names of the persons to whom such Licenses were granted."

By Command,  
D. DALY, Secretary.

Secretary's Office,  
Kingston, 4th October, 1843. }

RETURN to an ADDRESS of the Honorable the Legislative Assembly of Canada, on the 20th September, 1842, shewing the Licenses granted, and the Timber cut, on the waste Lands of the Crown, in the County of Restigouche, in the Province of New Brunswick, in the years 1835, 1836, and 1837, with the names of the persons to whom such Licenses were granted.

NAMES.	YEAR ENDING IN MAY, 1835.						YEAR ENDING IN MAY, 1836.						YEAR ENDING IN MAY, 1837.															
	LICENSES ISSUED.			PAID AS EXCESS.			QUANTITY CUT.			LICENSES ISSUED.			PAID AS EXCESS.			QUANTITY CUT.			LICENSES ISSUED.			PAID AS EXCESS.			QUANTITY CUT.			
	Pine. Tons.	Birch. Tons.	M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	Pine. Tons.	Birch. Tons.	Logs. M.Sup. Tons.	
Barclay, Thomas	200																											
Comard, Joseph				80																								
Ferguson, Francis				200																								
Ferguson, R. & A.	60					100																						
Fleming, William	1130																											
Hamilton, W. & J.	500						400																					
Jardine, William	450						200																					
McLeod, Donald	40						380																					
McPherson, James	3610																											
Montgomery, H. & J.																												
Ramsay, H. & A.	5440																											
Ritchie, Arthur																												
Rodgers, John																												
Rodgers, William																												
Stewart, P. & D.	1500																											
Sutherland, P. & J.	550																											
Wolhaupter, Benjamin																												
<b>Totals</b>	<b>13540</b>					<b>100</b>	<b>2090</b>					<b>15530</b>	<b>100</b>	<b>23873</b>	<b>60</b>	<b>410</b>	<b>2906</b>				<b>25059</b>	<b>60</b>	<b>410</b>	<b>3283</b>				<b>24363</b>

NOTE.—Other Licenses were issued in the County of Restigouche, in the above years, but as the Timber cut under such Licenses was carried for shipment to the Port of Bathurst, they are not included in this Return.

ROBERT GOWAN, Accountant.

Crown Lands' Office,  
3rd November, 1842. }

THOMAS BAILLIE, Surveyor General.

Appendix (H.)  
4th October.

Appendix (H.)  
4th October.

RETURN to an ADDRESS of the Honorable the Legislative Assembly of Canada, on the 20th September, 1842, shewing the Licenses granted and Timber cut on the Waste Lands of the Crown, in the County of Restigouche, in the Province of New Brunswick, in the years 1838, 1839, and 1840, with the names of the persons to whom such Licenses were granted.

NAMES.	YEAR ENDING IN MAY, 1838.						YEAR ENDING IN MAY, 1839.						YEAR ENDING IN MAY, 1840.					
	LICENSES ISSUED.		PAID AS EXCESS.		QUANTITY CUT.		LICENSES ISSUED.		PAID AS EXCESS.		QUANTITY CUT.		LICENSES ISSUED.		PAID AS EXCESS.		QUANTITY CUT.	
	Pine. Tons.	Birch. Tons.	Logs. M.Sup.	Pine. Tons.	Birch. Tons.	Logs. M.Sup.	Pine. Tons.	Birch. Tons.	Logs. M.Sup.	Pine. Tons.	Birch. Tons.	Logs. M.Sup.	Pine. Tons.	Birch. Tons.	Logs. M.Sup.	Pine. Tons.	Birch. Tons.	Logs. M.Sup.
Arseneau, Clement.....		25																
Doyle, Michael.....					25													
Ferguson, R. & A.....	400			400			1255											
Hamilton, W. & J.....	220			220														
Larna, John.....					50													
Lefurgey, Isaac.....		50																
Lapointe, Baptiste.....																		
McDonald, James.....																		
McLeod, Donald.....	450			450			200		600									
McMullin.....	50			50														
McNair, Nathaniel.....	2510	50	200	2639	50	200	3365	15										
Montgomery, H. & J.....																		
Parrott, Nathaniel.....																		
Ralsb, Andrew.....																		
Ramsay, H. & A.....	750			1517			1700		550									
Ritchie, Arthur.....	8100			6160		460	8190	50	2265									
Stewart, P. & D.....	1260			1650			800		550									
Sutherland, P. & J.....	400			400		60	700											
Totals.....	14140	125	760	13786	125	720	16210	50	3980	630	20190	50	1645	1085	8254	170	23479	220

Norz.—Other Licenses were issued in the County of Restigouche in the above years, but as the Timber cut under such Licenses was carried for shipment to the Port of Bathurst, they are not included in this Return.

TILOS. BAULLE,  
Surveyor-General.

ROBERT GOWAN,  
Accountant.

Crown Lands Office.  
3rd November, 1842.

Appendix (H.)  
4th October.



Appendix (H.)  
4th October.

Appendix (H.)  
4th October.

Return to an Address of the Honorable the Legislative Assembly of Canada, on the 20th September, 1842, shewing the Licenses granted, and Timber cut on the waste Lands of the Crown, in the County of Ristigouche, in the Province of New Brunswick, in the years 1841 and 1842, with the names of the persons to whom such Licenses were granted.

NAMES	YEAR ENDING IN MAY, 1841.						YEAR ENDING IN MAY, 1842.					
	LICENSES ISSUED.		PAID AS EXCESS.		QUANTITY CUT.		LICENSES ISSUED.		PAID AS EXCESS.		QUANTITY CUT.	
	Pine Tons.	Birch Tons.	Logs M. Sup.	Pine Tons.	Birch Tons.	Logs M. Sup.	Pine Tons.	Birch Tons.	Logs M. Sup.	Pine Tons.	Birch Tons.	Logs M. Sup.
Craven, James.....	140						140					
Deveaux, Paul.....												
Ferguson, R. & A.....	800			550			800		50			50
Hamilton, W. & J.....	975			240			975		50			290
McIntosh, David.....	120						120					
Montgomery, H. & J.....	3190	50	300	1118			4308	50	130			3510
Ramsay, H. & A.....	50						50		50			800
Ritchie, Arthur.....	12210		270	210			12420		215	20		7925
Stewart, P. & D.....	2620			1140			3760					60
Sutherland, P. & J.....	1600						1600					
Totals.....	21705	50	570	2468			24123	50	495	20		13185
								80	400			400
								60	215	20		100
												150
												250
												150
												400

Note.—Other Licenses were issued in the County of Ristigouche, in the above years, but as the Timber cut under such Licenses was carried for shipment to the Port of Bathurst, they are not included in this Return.

ROBERT GOWAN,  
Accountant.

THOMAS BAILLIE,  
Surveyor General.

Crown Lands' Office,  
3rd November, 1842.

Appendix (H.)  
4th October.

RETURN to an ADDRESS from the Legislative Assembly to His Excellency the Governor-General, dated 20th September, 1842, praying for "A statement of the quantity of Timber shipped from the Ports of Dalhousie and Campbelltown, in the years 1835, '36, '37, '38, '39, '40, '41, and '42.

By Command,

D. DALY,  
Secretary.

Secretary's Office,  
Kingston. 4th October, 1843.

PORT OF DALHOUSIE, NEW BRUNSWICK.—An Account shewing the total quantities of SQUARE TIMBER, and other Wood Stuffs, shipped in the years ending the 5th day of January 1835, '36, '37, '38, '39, '40, '41, and 42.

Exports in the years ending on the 5th January :	ASH BILLETS. Quantity, per number.	CEDAR & MAPLE. Quantity, per piece.	DEALS. Quantity, in superficial feet.	HANDSPIKES. Quantity, per number.	KNEES, SHIP. Quantity, per piece.	LATHWOOD. Quantity, per cord.	LUMBER, BOARDS AND BATTENS. Quantity, in superficial feet.	MASTS AND SPARS. Quantity, per piece.	OARS. Quantity, per piece.	SHINGLES. Quantity, per thousand.	TIMBER, PINE. Quantity, per ton.	TIMBER, BIRCH. Quantity, per ton.	TREE-NAILS. Quantity, per thousand.
1835	30084	1	167845	90		519	98518	568	324		31115	1597	
1836	34408	7	281436	6		703	1345	174	400	60000	33874	1100	
1837	75763	10	333804	100	8	641	6750	212	248	40500	31268	1177	
1838	22408	4	446295	240	15	695	42572	263	442	845000	38173	1212	
1839	16000		326000	120		859	8480	419	666	487000	40470	1378	
1840	15440	8	1348203		8	945		515	296	402000	41119	1129	9650
1841	11704	12	1336174			963	74014	307	883	588000	44503	836	2000
1842	7933	79	1529499	89		724	200666	450	518	1323000	34337	1532	61050
Total exports in 8 years	213740	121	5768256	645	31	6049	411375	2908	3777	3745300	295159	9961	72900

It is quite out of my power to furnish a separate statement of the shipments made at Dalhousie and Campbelltown. A few vessels of small tonnage load at the latter place, for the convenience of shippers, especially in the spring of the year, before the Timber can be brought down to Dalhousie : but of such shipments no separate record was ever kept, Dalhousie being the only Port of Entry and Clearance on the Rivigouche.

Custom House,  
Dalhousie, N. B., 22nd October, 1842.

(Signed) J. MACKENZIE,  
Sub-Collector.

The above is a correct copy of the account furnished by the Sub-Collector at Dalhousie.

Custom House,  
Saint John, N. B., 28th October, 1842.

H. BOWYER SMITH,  
Collector.

Appendix (H.)  
4th October.

ABSTRACT from the Books of the CANADA FIRE ASSURANCE COMPANY, shewing a statement of its affairs from the day on which it first commenced taking risks, viz: 1st October, 1840, to 1st October, 1843, making a period of three years.

	£	s.	d.		£	s.	d.
To amount of ten per cent on £100,000, Currency, Capital paid up, and in the hands, and at the disposal of the Company	£10000	0	0	By amount of Contingent Expenses	£1676	13	8
" " Safety Fund, from reserved profits	1500	0	0	" " Losses by Fire, &c	1401	6	4½
" " Premiums received	7226	9	9	" " Dividend No. 1, 40 per cent on amount of Capital then paid up, the 1st July, 1841	1169	0	0
" " Interest on investments	1435	9	4½	" " Dividend No. 2, 7½ per cent on amount of Capital then paid up, the 1st October, 1842	750	0	0
" " Dividend No 4, payable the 16th October, 1843				" " Dividend No. 3, 5 per cent on amount of Capital then paid up, the 1st April, 1843	500	0	0
				" " Dividend No. 4, 5 per cent on amount of Capital then paid up, the 1st October, 1843	500	0	0
				" " Abatement allowed Stockholders on amount of Premiums paid by them	1147	11	4
				" " At the credit of Safety Fund, from reserved profits	1500	0	0
				By balance, (see Assets)	5566	11	4
					12017	7	9
					£20661	19	1½

Liabilities of the Company, and for which Policies of Assurance are at this present time open, £384,083, divided into risks, and classed as follows, viz:  
 1st class, being those of £500, and under that sum..... 1401 risks  
 2nd do. do. £1000, and over £500..... 135 do.  
 3rd do. do. £1500, do. £1000..... 18 do.  
 4th do. do. £2000, do. £1500..... 4 do.  
 1558 total.

We, the undersigned, President, Vice-President, and Directors of the Canada Fire Assurance Company, being duly sworn, do depose and say, that the foregoing Abstract contains a true and faithful statement of the affairs of the said Company, its Assets and Liabilities, up to the 1st October, 1843.

Sworn before me, one of Her Majesty's Justices of the Peace for the City of Quebec, at the City of Quebec, this 30th day of September, 1843.  
 J. A. TASCHEREAU, J. & S. P., & J. P.

L. MASSUE, President.  
 EDWARD BURROUGHS, V. P.  
 G. O. STUART.  
 VITAL TETU.  
 CHARLES M. DEFOY.  
 CHARLES TURGEON.

ASSETS.  
 Turnpike Trust Bonds, with the security of the City Bank, payable on demand..... £4000 0 0  
 Chambly Canal Debentures, with the Government Security..... 3500 0 0  
 Eighty Shares Quebec Bank Stock..... 2000 0 0  
 Sixty Shares City Bank Stock..... 1500 0 0  
 £11000 0 0  
 Interest due on a portion of Investments..... 147 10 0  
 Office Furniture, Fire-Engine, &c..... 100 0 0  
 Cash on hand..... 769 17 9  
 £12017 7 9

DANIEL McCALLUM,  
 Secretary.

Appendix (I.)

LIST of the STOCKHOLDERS of the CANADA FIRE ASSURANCE COMPANY, Quebec, 30th September, 1843.

Appendix (I.)

5th October.

	SHARES.		SHARES.
Allard, Nicolas	10	Brought forward	1241
Auld, Joseph	10	Dorval, Ignace Amable	5
Audy, Jean Baptiste	5	Dubeau, Joseph	4
Augé, Frederick	4	Dion, David	4
Angers, F. Reul, Esquire	4	Darveau, Grégoire	4
Annot, Abraham	4	De foy, Père, Etienne	4
Audet, François	4	Denys, Augustin	4
Auld, Widow James	4	Dalvie, Etienne, Esquire	4
Annot, Louis	2	Deblois, Veuve Joseph	4
Burrongs, Edward, Esquire	50	Delisle, George	3
Bessé, Joseph Noël, Esquire	30	Donati, Pierre	2
Belanger, Jean	30	Déry, Pierre	2
Boisseau, Pierre, Esquire	20	Déry, Antoine	1
Bedard, Hon. Elzéar	20	Evanturille, François	10
Bowen, Hon. Edward	20	Evêque de Selyme	10
Bilodeau, Michel	16	Fabrique de Québec	30
Brown, William	10	Fortier, Louis, Esquire	30
Boisvert, Felix	10	Fraser, Simon, Esquire	20
Ballingall, L.	10	Fabrique de St. Michel	20
Blais, Eugene	10	Fréchette, Jean Baptiste, Esquire	15
Balzaretti, G. D.	10	Fiset, Louis, Esquire	10
Burn, Anthony A.	10	Freeman, Richard	10
Beaulieu, Rev. Messire	10	Fabrique de Charlesbourg	10
Bergeron, Charles	8	Fortier, François, Esquire, M. D.	10
Brown, Robert	7	Fortier, Rev. Messire J. T.	10
Belleau, Marie Irvine	5	Fortier, Felix, Esquire	5
Belleau, Narcisse F. Esquire	5	Farfard, Ambroise	5
Bégin, Michel	5	Fiset, Olivier	5
Boissonault, Pierre, Esquire	5	Ferland, Victor	5
Bradshaw, J. F. Esquire	5	Fugot, Ambroise	2
Blais, Olivier	5	Guénette, Pierre	50
Baker, Joseph	4	Girard, Louis, Esquire, M. D.	40
Bureau, Jean Baptiste	4	Gosselin, Rev. Messire A.	40
Barbeau, Ignace	4	Gosselin, Rev. Messire A.	20
Bethel, John	4	Gaudy, André	10
Burke, Richard	4	Gauvin, Michel	10
Bourget, Charles	4	Gingras, Edouard	10
Bégin, Louis	4	Godbout, Louis	10
Bégin, Etienne	4	Gingras, Rev. Messire Louis	10
Bélan, Pere François	3	Gingras, Pierre	7
Bélan, Fils François	3	Garant, F. Edouard	8
Bottin, Thomas	2	Garneau, Gaspard	6
Bickell, Mary	2	Grant, Junr. Donald	5
Banfield, William	2	Gingras, Junr. Pierre	5
Bedard, François	1	Gingras, Père, Pierre	5
Courral Rev. Messire J. C. Poulin de	50	Gremer, Jean Olivier	5
Caron, Hon R. E.	50	Garneau, D. B.	5
Campbell, John	50	Gauthier, Junr. Augustin	5
Carré de Québec	40	Guay, Germain, Esquire, N. P.	5
Chabot, Jean, Esquire, M. P. P.	30	Goult, Pierre	5
Chauveau, P. J. O. Esquire	20	Gué, Dame François	5
Choumard, Julien, Esquire	20	Grant, Senr. Donald	4
Couture, Joseph	20	Gingras, Jean Baptiste	4
Chabot, Laurent	20	Guay, François, M. Esquire, N. P.	4
Chabot, Juliette	20	Gourdeau, François	4
College of St. Anne	15	Gagnon, Pierre	3
Chrétien, Frederick	10	Gingras, François Xavier	2
Clearline, James, Esquire	10	Gingras, Honoré	2
Cary, Thomas, Esquire	10	Holmes, Rev. Messire John	25
Curry, Thomas, Esquire	10	Hamel, Veuve A. R.	20
Coffey, Charles	10	Hamilton, John, R. Esquire, M. P. P.	20
Casgrain, Hon C. E.	10	Hederson, W. S. & Co	20
Casgrain & Tétu	10	Hobbs, Thomas	10
Carriot, Louis	10	Huot, Pierre	10
Chevrette, Louis	8	Hamel, Abraham	8
Chiq-Mars, François	5	Huot, Louis	6
Chimquy, J. Achille, Esquire	5	Holdsworth, Thomas	6
Chauveau, Dame Veuve	5	Hart, Ira Craig, Esquire	5
Chimquy, Rev. Messire	5	Hanci, Charles François	5
Carrier, Joseph	5	Hardy, Jean Baptiste	4
Chartre, Zéphéau	4	Hamel, Jean	4
Cantin, Joseph	4	Hamel, Joseph	2
Childs, John, Esquire, N. P.	4	Jellard, Robert, Esquire	10
Caron, Augustin, Esquire	3	John de St. Joseph, Baptiste	10
Cazen, Veuve Jean	2	Julien Nicolas	4
Cantin, François	2	Jores, Allan	3
Dion, François Xavier	60	Lacasse, Rev. Messire Joseph	50
De Foy, François, Esquire	16	Langevin, Rev. Messire A.	40
Deroselle, Alexis, Esquire	42	Larouche, George	30
De Foy, Charles M. Esquire, N. P.	40	Langleis, Peter, Esquire	25
Donne, Hon. Amable	40	Lépine, Olivier	20
Dinning, James	20	Lindsay, Errol B. Esquire	20
Daly, Hon. Dominick	20	Leslie, William	20
Desbarats, George, Esquire	20	Lemieux, Veuve Charles	20
Deblois, Joseph Edouard, Esquire	12	Louis, Joseph	20
Desbarats, Edward, Esquire	10	Laforce, Veuve, Pierre	20
Deguse, Charles, Esquire	10	Légaré, Père, Joseph	10
Delage, Rev. Messire	10	Laurie, Archibald, Esquire	10
Douglas, David, Esquire	10	Lachance, Barthélemi, Esquire	10
Durand Abraham	9	Lisens, Libert Joseph	10
Downes, William, Esquire	8	Lavolette, Marie A.	10
Dubeau, Edouard	7	Légaré, Fils, Ignace	10
Dubeau, Jean Baptiste	7	Lachance, Gabriel	10
Dussault, François	5	Larue, Nazaire, Esquire, N. P.	10
Dussault, Jean Baptiste	5	Loranger, Rev. Messire F. G.	10
Carried forward	1241	Carried forward	2336

5th October.

5th October.

LIST of the STOCKHOLDERS of the CANADA FIRE ASSURANCE COMPANY.—(Continued.)

Appendix (I.)

5th October.

Appendix (I.)

5th October.

	SHARES.		SHARES.
Brought forward.....	2336	Brought forward.....	3164
Lamontagne, Michel.....	9	Patry, Jean.....	4
Lapointe, Gédéon.....	8	Poitras, Michel.....	4
Lee, Thomas Conrad, Esquire.....	6	Pouliot, Fils, Barthélemi, Esquire.....	3
Langlois, Pierre.....	5	Parent, Pierre.....	3
Légaré, fils, Joseph, Esquire.....	5	Pelletier, Victor.....	2
Légaré, Antoine.....	5	Picard, Veuve André.....	2
Lagie, David.....	5	Petitclair, Gabriel.....	2
Lanfesty, John.....	5	Paradis, Charles.....	2
Lanfesty, Peter.....	5	Parent, Veuve Etienne.....	1
Lesueur, Philip.....	5	Roy, Reverend Messire P.....	80
Lortie, Charles.....	4	Ruthman, George.....	40
Lagueux, Pierre.....	4	Roy, Veuve Joseph.....	25
Lafleur, François.....	4	Robitaille, Jean.....	20
Lafrance dit Hanyoux, Charles.....	4	Ross, Mrs. Mary.....	20
Langevin, Jean, Esquire.....	4	Roy, Basile.....	20
Lamontagne, Guillaume.....	4	Robitaille, Joseph, Esquire.....	10
Leggo, W. A.....	4	Roberge, Germain.....	10
Laverge, François.....	3	Renaud, Jean Bte., Esquire.....	10
Massue, Hon. Louis.....	40	Routier, Pierre.....	6
McCallum, Daniel, Esquire.....	20	Roy, Guillaume.....	6
Martin, Robert.....	20	Réaume, F. X.....	5
Motz, James, Esquire.....	20	Rousseau, Edouard, Esquire, M. D.....	5
McCallum, Duncan, Esquire.....	20	Reynar, George.....	5
Morelle, Ignace.....	20	Ramsay, William.....	5
McCallum, Catherine.....	10	Roy, Thomas Etienne.....	4
Méthot, François X., Esquire.....	10	Robitaille, Edouard.....	4
Murray, Hugh.....	10	Robitaille, François.....	4
More, François.....	10	Robitaille, Etienne.....	4
Musson, John, Esquire.....	10	Routier, Michel.....	1
McConkey, Ebenezer.....	10	Stuart, G. O'Kill, Esquire.....	40
McCallum, David.....	10	Sewell, Rev. E. W.....	20
McCallum, Georgiana.....	10	Sewell, James A., Esquire, M. D.....	20
Matte, Grégoire.....	10	Sewell, Reverend H. D.....	10
Montminy, Rev. Messire A.....	10	Stapleben, Joseph.....	10
Matte, Antoine S.....	7	Savard, Joseph.....	10
Mailoux, Louis.....	5	Sax, Veuve William.....	10
Mahou, Joseph.....	5	St. Michel, F. X.....	10
Matte, Anicet.....	5	Scott, H. S.....	10
Maguire, John, Esquire.....	5	St. Pierre, Germain.....	4
Mecteaull, Joseph.....	5	St. Laurent, Jean Bte.....	4
Monier, Honoré.....	4	Suzor, Hopolite.....	4
Matte, Alexis.....	4	Samson, Ignace.....	4
Marmette, Joseph, Esquire.....	4	Samson, Jean Bte.....	3
Martel, Olivier.....	4	Temple, Major Henry.....	70
Marois, Prisque.....	4	Turgeon, Charles, Esq.....	40
Muir, George M., Esquire.....	4	Tétu, Vital, Esquire.....	28
Michaud, A. T., Esquire, M. D.....	2	Tessier, Michel, Esquire, N. P.....	20
Mahou, Augustin.....	2	Taschereau, P. Elzéar, Esquire.....	20
Nault, Jean Z., Esquire, M. D.....	12	Taschereau, J. Thomas, Esquire.....	10
Octeau, Simon.....	2	Turdif, Joseph.....	10
Prendergast, Edward, Esquire.....	40	Trépanier, Pierre.....	10
Paradis, F. X., Esquire.....	40	Turcotte, Bazile.....	10
Povré, Rev. Messire C. E.....	40	Tessier, Pére, Michel.....	7
Picard, Jean Baptiste.....	40	Tourangeau, P. G., Esquire.....	5
Parant, Rev. Messire Antoine.....	38	Trudel, Flavien.....	2
Paquet, Jean.....	30	Tassier, Ubric Joseph, Esquire.....	1
Parent, Etienne, Esquire.....	20	Voyer, Veuve Jacques.....	16
Painchaud, Joseph, Esquire, M. D.....	20	Vallières, J. Olivier.....	13
Pelletier, Elizabeth.....	20	Vallée, François.....	10
Parent, Rev. Messire L. F.....	20	Vanderheyden, John.....	10
Pratte, Charles F.....	20	Vézina, Toussaint.....	4
Panot, Hon. Louis.....	20	Verréault, Veuve Philippe.....	4
Parant, François Joseph, Esquire.....	14	Verrette, Thomas.....	2
Payno, Thomas.....	11	Voyer, Louis.....	2
Phillips, William, Esquire.....	10	White, Mrs. Jane.....	20
Paquet, Joseph.....	10	Woodbury, Elisha.....	15
Perrault, Joseph François, Esquire.....	10	Woolsey, John W., Esquire.....	10
Paquet, Pierre Martin.....	6	Wilson, James T., Esquire.....	5
Patterson, William.....	5	Withal, William John.....	5
Pouliot, Pére, Barthélemi.....	5	White, Douglas L.....	4
Paradis, Laurent.....	5	Wyse, Frederick.....	3
Piton, Philippe.....	5	Wallace, John.....	2
Pelletier, Pierre, Esquire.....	5	Young, Mrs. Susan.....	3
Carried forward.....	3164	Shares.....	4000

We, the undersigned, President, Vice-President, and Directors of the Canada Fire Assurance Company, being duly sworn, do depose and say, that the foregoing contains a true and faithful list of the names of all and each of the Stockholders who hold Shares in the Stock of the said Corporation, on the 30th September, 1843.

L. MASSUE, President.  
 EDWARD BURROUGHS, V. P.  
 G. O. STUART.  
 VITAL TETU.  
 CHARLES M. DEFOY.  
 CHARLES TURGEON.

Sworn before me, one of Her Majesty's Justices of the Peace in and for the City of Quebec, at Quebec, this 30th day of September, 1843.

J. A. TASCHÉREAU, J. & S. P., & J. P.

Appendix (I.)  
5th October

RETURN of the BRITISH AMERICA FIRE AND LIFE ASSURANCE COMPANY, to 30th September, 1843, inclusive, in compliance with the 3rd Wm. 4. Chap. 19. Sec. 25. and 6 Vic. Chap. 26. Sec. 2.

	£	s	d	£	s	d
To Debentures bearing 6 per cent interest	£3240	0	0			
Interest due thereon	48	19	11			
To Debentures bearing 5 per cent interest	2900	0	0			
Interest due thereon	42	7	5			
To Loans on Bond and Mortgage, at 6 per cent	£282	10	0			
Interest due thereon	193	7	1			
To deposit in Bank of Upper Canada, at 3 per cent interest	7060	0	0			
Interest due thereon	43	19	10			
To a Fire Engine						
To agencies for this amount						
To the Bank of Upper Canada, for this balance in account current	£592	16	3			
To cash for this balance	150	18	10½			
				£22750	4	2½
By Capital Stock paid in						
Thirty-two per cent on 5030 Shares	£20120	0	0			
The whole amount on 11 Shares	137	10	0			
By forfeited Stock for amount of that account				20257	10	0
By Stock not called in for interest unpaid at this date	13	1	6			
By current expenses unpaid at this date	272	19	1			
By Dividends unclaimed at this date	486	17	2			
By Surplus Fund for this balance				772	17	9
				1714	12	7½

\*Awaiting the final issue of a contemplated loan to the Corporation of the City of Toronto.

Capital Stock subscribed, 5041 Shares	£33012	10	0
Capital Stock paid in	20257	10	0

FIRE ASSURANCE.

Amount of property insured during the year ending 30th September, 1843	£338022	0	0
Amount of premium received for the same	3052	2	7
Amount of losses paid, or liable to be paid, during the same period	236	8	9
Present liability under 388 Policies	299380	0	0
No lives insured.			

We, the undersigned, do make oath and say, that the above is a full and true account of the funds and property of the British America Fire and Life Assurance Company, to the best of our knowledge and belief.

W. ALLAN, Governor.  
WILLIAM PROUDFOOT, } Trustees.  
ALEXANDER BURNSIDE. }

NAVIGATION INSURANCE.

Amount of property insured against dangers of the navigation	£33381	0	0
Amount of premium charged for the same	359	10	2
Amount of losses paid, one	11	19	5
Present liability under seven Policies	10500	0	0

Sworn before me, in the City of Toronto, this 4th day of October, 1843.

R. C. HORNE, J. P.,  
Home District, Canada.

Met—John Ewart Esquire, the other Trustee of the Institution, is absent from the City.

Appendix (I.)  
5th October.

## BRITISH AMERICA FIRE AND LIFE ASSURANCE COMPANY.

Appendix  
(I.)  
5th October.Appendix  
(I.)  
5th October.

A List of the names of all and each of the STOCKHOLDERS who hold Shares in the Stock of the Corporation, this 30th day of September, 1843, in compliance with 6 Vict. Cap. 26, Sec. 2.

	SHARES		SHARES.
William Allan.....	80	Brought forward .....	1349
John S. Baldwin.....	20	John Counter.....	1
William Jackson.....	5	William Wilson.....	4
Thomas Kirby.....	8	Henry Gildersleeve.....	4
George P. Ridout.....	20	Abel Land.....	4
Peter Paterson.....	20	Edmund Ritchie.....	10
Robert G. Anderson.....	20	Peter Grant.....	3
William Maxwell.....	2	James Weir.....	8
Edward Ermatinger.....	5	George S. Tiffany.....	8
Francis Ermatinger.....	16	Henry John Boulton.....	10
William Proudfoot.....	28	George Monro.....	48
Ann Stow.....	10	Thomas Bell, Junior.....	2
Margaret Washburn.....	35	James Leslie.....	20
Joseph Henderson.....	9	J. L. Perrin.....	27
Thomas Kirkpatrick.....	10	Paul F. Whitney.....	2
Alexander Burnside.....	44	Joseph Lee.....	4
Clarke Gumble.....	27	Robert Hawke.....	8
Andrew Mercer.....	10	Catherine Hawke.....	24
Alexander Hamilton.....	22	George Duggan, Junior.....	52
William Musson.....	20	D'Arcy Boulton.....	40
John Armstrong.....	10	Margaret Robson.....	5
Thomas Moore.....	4	James R. Armstrong.....	20
Thomas Clarke.....	80	John Ritchey.....	16
Samuel Street.....	80	Thomas J. Preston.....	2
Richard Woodworth.....	11	John Mackenzie.....	7
William Atkinson.....	36	Thomas Bright.....	10
Alexander Rennie.....	2	Charlotte Dunn.....	80
A. N. Bethune.....	10	John H. Dunn.....	630
Daniel Morrison.....	1	Alexander Wood.....	10
John Ewart.....	20	James B. Macaulay.....	20
George McKay.....	2	Hugh Carfrae.....	9
Thomas W. Birchall.....	20	John Harris.....	10
Edward Robson.....	2	Joseph Beckett.....	33
Corry Coulson.....	12	John S. Macaulay.....	85
John Wilson.....	8	John Kirby.....	8
William Leslie.....	2	Zaccheus Burnham.....	20
Thomas Stinson.....	8	Thomas D. Harris.....	25
Ebenezer Stinson.....	8	George S. Jarvis.....	40
John Stinson.....	8	Isaac Clarke Gilmour.....	6
Samuel Evans.....	4	John Paul.....	1
John Bishop.....	20	Walter O'Hara.....	20
John P. Cary.....	1	Thomas Sheppard Smyth.....	60
Thomas Platt.....	4	Samuel Gardiner.....	1
Benjamin Thorne.....	25	Daniel McNabb.....	1
Duncan McDonell.....	2	John Young & Co.....	1
Thomas Helliwell.....	20	Champion, Brothers & Co.....	1
John Leys.....	2	George F. Denison.....	20
George Dunnington.....	2	Lawrence Heyden.....	1
John Baker.....	2	Augustus Baldwin.....	91
Christopher Widmer.....	40	William Cayley.....	30
Joseph Bloor.....	5	D. B. Stevenson.....	2
Richard Northcote.....	1	Scott Shields.....	1
William McCracken.....	1	Catherine Purcell.....	8
Peter Diehl.....	72	Robert S. Delatre.....	20
William Woodruff.....	20	John S. Cartwright.....	10
Richard Woodruff.....	50	Robert D. Cartwright.....	40
Henry Ruttan.....	20	Thomas Ridout.....	2
Aaron Choate.....	4	John Rothwell.....	8
George O'Kill Stuart.....	4	Ellen Murray.....	20
Jonathan Dunn.....	10	Ann Logie.....	20
Jonathan Scott.....	10	Caroline Jane Hamilton.....	2
Joseph Rogers.....	10	Henry Temple.....	30
Robert Cathcart.....	1	John Miller.....	68
Peter Milne.....	40	Angus Bethune.....	10
John Bishop, Junior.....	12	Isaac Buchanan & Co.....	40
Robert Melville.....	80	Frederick Huddleston.....	133
P. C. Delatre.....	40	Charles Dade.....	20
James Lockhart.....	20	John Murray.....	80
John Macaulay.....	12	Thomas Talbot.....	40
John M. Whyte.....	80	Jacob Emilius Irving.....	40
Carried forward.....	1349	Carried forward.....	3488

Appendix  
(I.)  
5th October.

## BRITISH AMERICA FIRE AND LIFE ASSURANCE COMPANY.

Appendix  
(I.)  
5th October

A LIST of the names of all and each of the STOCKHOLDERS who hold Shares in the Stock of the Corporation, this 30th day of September, 1843. in compliance with 6 Viet. Cap. 26, Sec. 2.

(CONTINUED.)

	SHARES.		SHARES.
Brought forward . . . . .	1488	Brought forward . . . . .	1386
Isabella Cooper . . . . .	31	Joseph Price . . . . .	12
John Wilson . . . . .	8	John Dorsett Birchall . . . . .	1
William Wakefield . . . . .	6	Philip Durnford . . . . .	10
John A. Smith . . . . .	10	Edward Q. Sewell . . . . .	9
Alexander McDonell . . . . .	18	Thomas Clark . . . . .	12
Ann Scott . . . . .	10	Judith Falls . . . . .	8
William Hepburn . . . . .	134	Christopher Elliott . . . . .	10
Alfred Stow . . . . .	24	Samuel S. Junkin . . . . .	20
Jesse Kitchum . . . . .	38	Frances Keogh . . . . .	66
James Richardson . . . . .	2	D. E. & W. H. Blake . . . . .	10
Robert James . . . . .	16	Bowes & Hall . . . . .	24
William H. Boulton . . . . .	12	John H. Hugerly . . . . .	55
John Gilmour . . . . .	28	Edward G. O'Brien . . . . .	51
D. C. Blake . . . . .	17	Jane Sewell . . . . .	12
Robert Spark . . . . .	143	Charles Watkins . . . . .	55
Alexander V. Stewart . . . . .	20	John Roberts Dunn . . . . .	80
Emily Atkinson . . . . .	77	Peter Rutherford . . . . .	6
Joseph Biscoe . . . . .	56	Robert E. Burns & Oliver Mowat . . . . .	4
Mary Moore . . . . .	10	Benjamin Slight . . . . .	13
Robert D. Cartwright . . . . .	27	Frances Doughty . . . . .	16
Anson Green . . . . .	12	Herbert Mortimer . . . . .	15
R Pilkington Crooks . . . . .	4	Andrew Steven . . . . .	32
William H. Wardell . . . . .	11	Archibald Geikie . . . . .	80
Charles Mathews . . . . .	102	Robert Alger . . . . .	12
George Wilgress . . . . .	9	William Hawkins . . . . .	20
Hugh Cossart Baker . . . . .	4	Francis Logan . . . . .	6
George Mortimer . . . . .	28	James S. Cartwright . . . . .	13
William H. Blake . . . . .	11		
Carried forward . . . . .	1386	Total Shares . . . . .	5041



GENERAL STATEMENT of the affairs of the MONTREAL FIRE, LIFE, AND INLAND NAVIGATION ASSURANCE COMPANY, exhibiting the Assets and Liabilities of the Institution, on the 30th day of September, 1843:—ordered by the Honorable the Legislative Assembly.

	£	s.	d.	£	s.	d.	
To 198 Shares Stock in the Bank of Montreal, at £50.....	£9900	0	0	By amount of Capital Stock paid in, being 10 per cent on the subscribed Capital of £200,000.....	20000	0	0
To 83 do new Stock do £4150, on which has been paid 35 per cent.....	1452	0	0	By unclaimed Dividends.....	55	0	0
To 83 Add premium paid on said Stock.....	780	5	0	By sundry accounts due by the Company.....	128	0	0
To 416 Shares Stock in the City Bank of Montreal, at £25.....	£10400	0	0	By surplus fund.....	9860	3	0
Less, discount received thereon.....	120	5	0				
To 80 Shares Stock in the Gore Bank, at £12 10s.....	10279	15	0				
To loan to Montreal Road Trustees, bearing interest at 6 per cent.....	1000	0	0				
To loan to Montreal Harbour Commissioners, do 8 do.....	2103	0	0				
To Corporation of Montreal Market Bonds, do 6 do.....	1000	0	0				
To 15 Shares Stock in Montreal Gas Company, at £20.....	£300	0	0				
Add premium paid thereon.....	30	0	0				
To amount due the Company by Agents and others.....	330	0	0				
To Bank of Montreal, for cash at credit of deposit account.....	2015	16	2				
To cash, for balance on hand.....	837	16	10				
	£	30046	3	0			

We, the undersigned, declare that the above is a true account of the affairs of the Montreal Fire, Life, and Inland Navigation Assurance Company, to the best of our knowledge and belief.

J. FERRIER, President.  
W.M. MURRAY, Manager

Sworn before me, in the City of Montreal, }  
this 21st day of October, 1843. J. Roy, J. P.

Appendix (I.)  
25th October.

Appendix (I.)  
25th October.

LIST of the persons who hold Shares in the Stock of the MONTREAL FIRE, LIFE, AND INLAND NAVIGATION ASSURANCE COMPANY, on the 30th September, 1843.

Appendix  
(1.)  
25th October.

Appendix  
(1.)  
25th October.

Robert Armour	Montreal.
William Bradbury	do
Charles Brooke	do
John Black, heirs of	do
Budden & Vennor	do
Stanley Bagg	do
Walter Benny	do
Hugh Brodie	do
Charles Brooke & Brothers	do
Austin Cuydler	do
James Cuthbertson	do
C. H. Castle	do
R. & H. Coise	do
Robert Campbell	do
Carter & Cowan	do
William Cornuek	do
William Dow	do
Adam Ferrie	do
Francis Faush, heirs of	do
Elizabeth Ferguson	do
David Ferguson	do
Archibald Ferguson	do
James Ferric	do
Daniel Gorrie	do
Isaac Jones Gabb	do
William J. Harvey	England.
Henderson, Hooker & Co.	Montreal.
James Hutchison	do
Moses J. Hays	do
Thomas Jenking	do
Ernest Isler	do
William Kennedy	do
John Keller	do
Kay, Whitehead & Co	do
Samuel Lunell	England.
William Lyman & Co	Montreal.
William Lunn	do
Christiana Laing	do
William Lunn, in trust	do
Thomas Musson	do
Henry Myer	do
Hon. John Molson	do
Mathewson & Rattray	do
J. Milligan	do
Samuel Mathewson	do

Hon. Peter McGill	Montreal.
M. McCulloch, M. D.	do
John Mathewson	do
Joseph McKay	do
John E. Mills	do
William McIntosh	do
Alexander Murphy	do
Hon. Thomas McKay	Bytown.
John Mack	Montreal.
Morley & Jenkins	Kingston.
William McDonald	Montreal.
William Murray	do
Louis Marecau	do
John Orr	do
John Ostell	do
Charles Phillips	do
Thomas Peck	do
Pollock, Gilmour & Co.	do
Robertson, Masson & Co	do
Mungo Ramsay	do
John Redpath	do
Coln Russel	do
Rev. James Ramsay	do
James Scott	do
Matthew Struthers	do
William Snath	do
Dugald Stewart	do
Scott & Shaw	do
James Smith, Advocate	do
George Savage & Son	do
W. P. Smith	do
James Stevenson	Bytown.
James Thompson	Laprairie.
Tobin & Murison	Montreal.
John Torrance & Co	do
Edward Thompson	do
Thomas M. Thompson	do
John Try	do
Isaac Valentine, heirs of	do
Frederick Vet	do
William Workman	do
George D. Watson	do
Miles Williams	do
William Watson	do
John Willock	do

WM. MURRAY,  
Manager.

Montreal, 30th September, 1843.

Appendix  
(J.)Appendix  
(J.)

6th October.

6th October.

STATEMENT of the affairs of the University of King's College; and, also, of Upper Canada College, for the years 1839, 1840, 1841 and 1842; laid before the Legislative Assembly on the 6th October, 1843, by command of His Excellency the Governor-General.

LETTER from H. Boys, Esquire, Bursar, King's College, to James Hopkirk, Esquire, Assistant Secretary, dated 20th May, 1843, accompanied with eleven Returns.

King's College Office,  
Toronto, 20th May, 1843.

Sir,

I have the honor to acknowledge your letter of the 1st instant, requesting me, by command of the Governor-General, to furnish, for His Excellency's information, a statement of the affairs of the University of King's College; and, also, of Upper Canada College, for the years 1839, 1840, 1841 and 1842, containing a detailed account of the amount paid for tuition fees in Upper Canada College, the number of pupils, and the number, if any, educated gratuitously; also, the amount paid at the boarding house, and a statement of the arrears due, if any, with the names of the parties indebted to the College.

In obedience to His Excellency the Governor-General's commands, I have the honour to transmit eleven Returns, embracing, I believe, all the points of information required; but, if any be omitted, I shall have great pleasure in supplying the deficiency.

With regard to the lists of names attached to Return No. 9, I would respectfully submit for His Excellency's consideration, that many of the parties whose names appear on those lists of arrears due to Upper Canada College, on the 31st December, 1842, have since discharged the claims against them, and many of them are only one or two quarters in arrear, and have scarcely had an opportunity of settling their accounts; and it might, therefore, appear a harsh measure to give their names to the public, should it be in contemplation to bring any such list before Parliament.

In respect to the Return No. 4, on the claim of the College to the arrears of the Royal Grant in aid of the building fund, I beg to observe, that Lord Sydenham proposed to take up this subject, but the great press of business at the time interfered to direct his attention from a matter of such minor importance. To the justice of this claim, which was only postponed till the College buildings should be in progress, I desire respectfully to draw His Excellency the Governor-General's attention. A large portion of the edifice for the purposes of the University is being erected, and the payment of so large a sum would prove a seasonable relief to the funds of the institution, and would at the same time be carrying into effect the gracious intentions of His late Majesty George the Fourth, our revered Founder.

I have the honor to be,

Sir,

Your most obedient humble servant,

H. BOYS,  
Bursar, K. C.

James Hopkirk, Esquire,  
Assistant Secretary, &c. &c. &c.

No. 1.

KING'S COLLEGE.

STATE of the endowment of King's College on the 31st December, 1842.

	Acres.
Original endowment.....	225944
Sold .....	110610
Remaining in hand .....	115334
On lease .....	95,334
Unoccupied .....	20,000
	115334

## PARTICULARS of the Sales of Land.

Appendix  
(J.)Appendix  
(J.)

YEAR.	No. of Sales.	Acres sold.	Proceeds.			Average per acre.
			£	s.	d.	
1828 .....	21	3067	3656	10	0	23 10
1829 .....	93	11863	12994	5	0	21 11
1830 .....	69	8670	9492	0	0	21 1
1831 .....	65	8331	9449	7	6	22 8
1832 .....	75	8881	9905	15	0	22 4
*1833 .....	110	13568	15790	10	0	23 3
1834 .....	67	7642	8731	12	6	23 5
†1835 .....	125	18088	14488	0	0	16 0
1836 .....	47	4985	5754	5	0	23 1
1837 .....	53	6132	7100	7	3	23 4
1838 .....	20	2454	3104	10	0	25 3½
‡ 1839 .....	40	4358	5770	2	6	26 5½
‡ 1840 .....	3	350	318	15	0	18 2½
1841 .....	46	4717	7167	11	3	30 4½
1842 .....	75	7504	11995	17	6	31 11½
	909	110610	125809	8	6	22 9

Proceeds of Sales ..... £125809 8 6  
 Amount collected, (see Return No. 2) ..... 74061 15 10

Amount outstanding ..... £51747 12 8

\* Great emigration this year.

† A party of Germans settled in Wilmot.

‡ The Council suspended their sales.

H. BOYS,  
Bursar, K. C.

## No. 2.

## KING'S COLLEGE.

STATEMENT of the actual receipts and disbursements of King's College from the foundation thereof to the 31st day of December, 1842, being a period of 14 years.

RECEIPTS in the 14 Years.	Amount.	DISBURSEMENTS in the 14 Years.	Amount.
4½ years Royal Grant.....	4999 19 9	Assistance given to Upper Canada College in the 14 years.....	*40130 4 4½
Proceeds of land sold collected in the 14 years.....	74061 15 10	Purchase of the site for the University, & College Avenue & grounds, with improvements in the 14 years.....	13148 1 9
Interest, do. ....	25580 3 3	Management and incidental expenses during the 14 years.....	14787 15 2½
Rents, do. ....	16887 18 4	University Buildings, out-fit, &c. ...	8731 10 5
Temporary accommodation from the Bank of U. C. ....	4200 0 0		
		Balance accounted for below, .....	76797 11 9
			48932 5 5
	£ 125729 17 2		£ 125729 17 2

\* This sum, if charged with interest, would exceed £60,000, and to that amount the funds of King's College have been diminished by the assistance afforded to Upper Canada College. On referring to Return No. 6, a discrepancy to the amount of £9 17 6½ will be observed between this sum and the sum acknowledged in that Return. This error appeared in a former Return made to Government, and, not having been corrected in the College books, it must stand in this Return, which closes on the 31st December, 1842, a past period; but care shall be taken to rectify the mistake before any future Return can be required.

## PARTICULARS of the above balance.

	£	s.	d.
Purchase of public Debentures, amounting to £38,181 15s. 2d., placed in the Bank			
U. C. for management and safe custody.....	37896	12	1
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank .....	187	10	0
Invested in land .....	5919	3	11
Invested on mortgage .....	3698	6	1
Cash balance in the Bank of Upper Canada.....	930	3	11
Do. in the Bursar's hands .....	50	9	3
Error .....	0	0	2
	<u>£48932</u>	<u>5</u>	<u>5</u>

H. BOYS,  
Bursar, K. C.

## No. 3.

## KING'S COLLEGE.

## STATEMENT of annual expenses, Bursar's Office.

Bursar's salary .....	£400	0	0
First Clerk.....	175	0	0
Second do. ....	150	0	0
Extra do. ....	136	17	6
Messenger.....	50	0	0
Sundries, (say).....	288	2	6
About.....	<u>£1200</u>	<u>0</u>	<u>0</u>

H. BOYS,  
Bursar, K. C.

## No. 4.

## KING'S COLLEGE.

*The Royal Grant in aid of the Building fund of the University.*

The particulars respecting this grant will be best explained by detailing the proceedings of the College Council, at a meeting on the 29th of January 1840, at which meeting, His Excellency LORD SYDENHAM presided as Chancellor.

Extract from the Minutes of the proceedings of the Council of King's College, at their Meeting, held on 29th January 1840:

## PRESENT.

The Right Honourable CHARLES POULETT THOMPSON, Governor-General, Chancellor of the University ;  
The Honourable and Reverend JOHN STRACHAN, Lord Bishop of Toronto, President of the University ;  
The Honourable Mr. JUSTICE JONES, Speaker of the Legislative Council ;  
The Honourable SIR ALLAN NAPIER MACNAB, Speaker of the House of Assembly ;  
CHRISTOPHER HAGERMAN, Esq., Attorney-General ;  
The Honourable W. H. DRAPER, Solicitor-General ;  
The Reverend DOCTOR McCaul, L.L.D., Principal of Upper Canada College.

" No. 6.—The Council took into consideration the state of the Royal Grant to King's College of £1000 sterling, per annum ; when it was stated that an arrear of seven and a-half years was due on this grant to the College, amounting, without interest, to £7,500 sterling, or £8,333 6s. 6d. currency.

" The Council deemed it expedient, that an immediate application be made to His Excellency the Governor-General respecting these arrears, accompanied with a full statement of the circumstances under which they are claimed, for his consideration."

This Minute was also brought under His Excellency's particular consideration, by being transmitted to him through his principal Secretary, in the following letter to Mr. Murdoch :

King's College Office,  
Toronto, 4th February 1840.

SIR,

I have the honor to enclose to you, for the purpose of its being brought under the consideration of His Excellency the Governor-General, a copy of a Minute of the Council of King's College, respecting the claim of the College to the Royal Grant of £1000 sterling, per annum ; and in compliance with that part of the Minute which directs a statement to be sent to His Excellency, of the circumstances under which the grant is claimed, I beg to add that this grant was made to King's College by the Crown, as communicated to Sir Peregrine Maitland, by Earl Bathurst, in his despatch of the 31st March 1827, a copy of which I enclose.

Appendix  
(J.)  
6th October.

Appendix  
(J.)  
6th October.

enclose. The grant is given for the purpose of erecting the College Buildings, and is directed to be paid out of the monies furnished by the Canada Company, to continue during the term of their agreement. This agreement is for sixteen years, from the 1st of January 1826. The College drew the grant from the 1st of January 1828, the endowment commencing in that year; and continued to receive it till the 1st July 1832, when it was suspended by a Government despatch to Sir John Colborne, until the Legislature should pass an Act for amending the Charter of the University—such an Act having been passed in the first Session of the 13th Provincial Parliament, to which Sir F. B. Head, then Lieutenant-Governor, signified the Royal Assent on the 4th of March 1837. The cause for the suspension was removed; and, in consequence, the Council deem it expedient to submit the claim of this Institution to the Royal boon to His Excellency's favourable consideration.

I have, &c.,

(Signed.)

H. BOYS,

Bursar, K. C.

At present the grant is ten years in arrears. It has been received, as stated above, to the 1st July 1832, and it was to continue during the term of the agreement between the Canada Company and the Government: this closed on the 1st July 1842. The amount then is £10,000 sterling, which, with simple interest, amounts to £11,111 2s. 2d. currency.

The part of the Earl of Bathurst's despatch, of the 31st March 1827, which relates to this object, is as follows:

"I am further to acquaint you that His Majesty has been pleased to grant one thousand pounds per annum, as a fund for erecting the buildings necessary for the College, to be paid out of the monies furnished by the Canada Company, and to continue during the term of their agreement."

H. BOYS,

Bursar, K. C.

No. 5.

### UPPER CANADA COLLEGE.

STATE of the endowment of Upper Canada College, on the 31st December, 1842.

<i>Original Endowment.</i>		ACRES.
By grant, dated 16th November, 1832 .....		20000
By do. " 4th July, 1831 .....		1080
By do. " 16th May, 1835 .....		42188
		63268
Sold .....		19576½
		43691½
On lease, ..... 5716 }		
Unoccupied, ..... 37975½ }		43691½

N.B. Upper Canada College was also endowed by grant with Block A, in Toronto, called Russell Square, the site of the College, containing nine acres: likewise with Block D, in Toronto, containing five and a half acres, divided into thirty-six building lots, the particulars of which are hereafter stated.

#### *Particulars of the Sales of the original Endowment.*

YEAR.	No of Sales.	Acres sold.	Proceeds.			Average per acre.
			£	s.	d.	
1832 .....	2	200	140	0	0	14 0
1833 .....	5	697	613	10	0	17 7¼
1834 .....	15	2280	1830	0	0	16 0½
1835 .....	18	1304	941	10	0	14 5¼
1836 .....	10	682	626	2	6	18 4¼
1837 .....	7	800	700	0	0	17 6
1838 .....	9	908	937	0	0	20 7¼
*1839 .....	107	11502	8210	5	0	14 3¼
1840 .....	1	100	75	0	0	15 0
1841 .....	1	100	75	0	0	15 0
1842 .....	11	1003½	1168	17	6	23 3½
		186	15317 5 0			15 7¾

Proceeds of Sales .....

Amount collected (See Return, No. 6) .....

Amount outstanding .....

For the particulars of the sales of Town Lots in Block D, see next page.

\* Great part of the sales brought to account this year (1839) had been made by Colonel Talbot, acting as Agent for the College in earlier years.

PARTICULARS

PARTICULARS of the Town Lots in Block D.

Original number of Lots .....	36
Sold .....	29
Remaining on hand .....	7
On lease..... 4 }	7
Unoccupied.. 3 }	

Appendix  
(J.)  
6th October.

PARTICULARS of the Sales of the Town Lots in Block D.

Amount for which the twenty-nine Lots sold.....	£4,204 5 0
Amount collected .....	1,303 12 11
Amount outstanding .....	£2,900 12 1

H. BOYS,  
Bursar, K. C.

No. 6.

UPPER CANADA COLLEGE.

STATEMENT of the actual receipts and disbursements of Upper Canada College, from the foundation thereof to the 31st day of December 1842, being a period of 14 years.

RECEIPTS in the 14 Years.	Amount.	DISBURSEMENTS in the 14 Years.	Amount.
Grant from the Crown in 14 years,..	10877 14 8	Buildings and ground, in 14 years..	18215 6 8
College dues collected do. ..	18935 17 11	School Masters: Salaries, Books, Stationery, Exhibitions, Prizes, in the 14 years,.....	47365 18 3
Sales of lands do. ..	8881 0 7	Boarding-house do. ..	9159 17 11
Sales of town lots do. ..	1303 12 11	Contingencies: Insurances, Law Ex- penses, Furniture, Wood, and all other incidentals, in the 14 years,..	4562 12 0
Rents do. ..	313 13 3	A sum charged to the late Bursar, who had omitted to bring it to account, included on the other side under sales of land and rent,.....	83 17 6
Interest do. ..	1310 12 5		
Assistance from K. C. do. ..	40121 6 10	Balance accounted for below,.....	79387 12 4
			2356 6 3
	£ 81743 18 7		£ 81743 18 7

Particulars of the above Balance:

Invested in Land.....	£1150 0 0
On Mortgage and Bonds,.....	1206 6 5
	£2356 6 5 error in excess; 2d.

H. BOYS,  
Bursar, K. C.

Appendix  
(J.)  
6th October.

No. 7.

UPPER CANADA COLLEGE.

PARTICULARS of the Annual Charges of the Establishment.

Appendix  
(J.)  
6th October.

	£	s.	d.	£	s.	d.
SALARIES—The Rev. Dr. McCaul,..... Principal,.....	600	13	4			
The Rev. Chas. Mathews,.. 1st Classical Master,.....	333	6	8			
The Rev. Geo. Maynard,.. Mathematical Master,.....	333	6	8			
Mr. F. W. Barron,..... 2d Classical Master.....	333	6	8			
The Rev. H. Scadding,..... 3d do. do. ....	333	6	8			
Mr. F. P. DelaHaye,..... French do. ....	222	4	4			
Mr. James Duffly,..... 1st English do. ....	194	8	8			
Mr. W. Thompson,..... 2d do. do. ....	138	17	8			
Mr. C. N. B. Cosens..... Master Prepar. School.....	191	13	4			
Mrs. Mary Cosens,..... Matron, Boarding-house, ...	75	0	0			
Mr. J. G. Howard,..... Geom. Drawing Master,....	111	2	0			
Rev. Dr. Phillips,..... Retired Annuity,.....	111	2	0			
Samuel Alderdice,..... Porter,.....	40	0	0			
				3084	8	0
Exhibitions,.....				102	0	0
Prizes,..... say.....				80	0	0
Stationery,..... say.....				100	0	0
Repairs,..... say.....				100	0	0
Insurances,.....				72	0	0
Labour on the Grounds,..... say.....				50	0	0
Wood, and other contingencies,..... say.....				411	12	0
About.....				£ 4000	0	0

H. BOYS,  
Bursar, K. C.

No. 8.

UPPER CANADA COLLEGE.

PARTICULARS of the School of Upper Canada College for the years 1839, 1840, 1841 and 1842.

YEAR.	QUARTER.	NUMBER OF PUPILS.			TOTAL.
		Day Boys.	Boarders.	Free Scholars.	
1839.....	First.....	112	37	3	152
	Second.....	105	46	3	154
	Third.....	104	53	1	158
	Fourth.....	111	58	1	170
1840.....	First.....	106	59	1	166
	Second.....	102	62	1	165
	Third.....	94	49	1	144
	Fourth.....	79	49	1	129
1841.....	First.....	80	50	1	131
	Second.....	80	54	1	135
	Third.....	84	52	1	137
	Fourth.....	78	50	1	129
1842.....	First.....	95	55	3	153
	Second.....	95	57	4	156
	Third.....	93	56	4	153
	Fourth.....	105	59	4	168

H. BOYS,  
Bursar, K. C.

No. 9.



No. 9.

UPPER CANADA COLLEGE.

DUES.

Appendix (J.)

6th October.

Appendix (J.)

6th October.

A. PARTICULARS of the College Dues, for the years 1839, 1840, 1841, and 1842, as collected from the Returns of Mr. Duffy, Mr. Cosens, and Mr. Rowsell.

Year.	Tuition.			Boarding House.			Books.			Ornamental Drawing.			Hebrew and German.			Total.			
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
1839.....	1154	5	0	1038	16	8	411	11	8	10	0	0	None	.....	2614	13	4		
1840.....	1205	5	0	1210	7	6	397	18	2	44	0	0	None	.....	2857	10	8		
1841.....	1000	10	0	1176	17	6	361	18	8	44	0	0	None	.....	2583	6	2		
1842.....	1167	5	0	1360	10	0	495	1	11	None	.....	27	15	0	3050	11	11		
	£	4527	5	0	4786	11	8	1666	10	5	98	0	0	27	15	0	11106	2	1

B. THE BURSAR'S actual receipts and disbursements for College dues in the years 1839, 1840, 1841 and 1842.

Year.	RECEIPT.	Amount.			Year.	DISBURSEMENT.	Amount.				
		£	s.	d.			£	s.	d.		
1839..	Paid over by the Collector.....	1457	2	4	1839..	Paid to Master of Boarding House.....	£1038	16	8		
1840..	do. ....	2416	8	11		" Mr. Rowsell...	107	13	5		
1841..	do. ....	1743	0	11							
1842..	do. ....	1863	14	10	1840..	Paid Master of B. II.	1210	7	0		
						" Mr. Rowsell...	445	3	0		
									1655	10	6
					1841..	Paid Master of B. H.	1065	0	0		
						" Mr. Rowsell...	369	17	0		
						Collector's per cent- age .....	50	0	0		
									1484	17	0
					1842..	Paid Master of B. H.	1510	10	0		
						" Mr. Rowsell...	570	0	0		
						" Mr. Hirsfelder...	27	15	0		
						Collector's per cent- age .....	100	0	0		
									2208	5	0
									6495	2	7
						Difference on the four years.....			985	4	5
									£7480	7	0

\* This sum exceeds the amount taken credit for by Mr. Duffy in the following Return, bearing the same mark\* by £650 0 6, which amount was paid in by Mr. Duffy's predecessor.

C. The present Collector's statement of the dues of Upper Canada College, from the second quarter of 1839, when he first undertook the duty, till the end of 1842.

		£	s.	d.			£	s.	d.			
Old arrears of dues delivered over to Mr. Duffy for collection.....	4081	5	11	Collected and paid over :								
Delivered to him since he has been in office .....	10549	5	7	Old arrears.....	£1064	16	5	*	6830	6	6	
				New do. ....	5765	10	1		† 535	12	5	
									841	8	0	
									21	4	3	
									8228	11	2	
					Balance outstanding, old,	£2460	14	7				
					new,	3941	5	9		6402	0	4
									£	14630	11	6

\* For this reference see the preceding statement, marked B.

† The Bursar, not being aware that this sum was for College dues; brought it to account in the following manner: £120 was carried to "Interest received," and the remainder went in diminution of sums received on bonds.

STATEMENT

Appendix (J.)

Appendix (J.)

STATEMENT D. being the names of the parties remaining indebted to the old arrears, } Are attached to  
Do. E. being the names of the parties remaining indebted to the new arrears, } this Return.

6th October.

6th October.

N. B. The arrears of dues, as they respect the Boarding House only, cannot be conveniently separated from the other dues; they bear the same proportion to the arrears generally, as the dues taken generally bear to those arrears.

The dues for tuition are the only dues which go to increase the College funds. Taken on the average of the last four years they would amount to £1131 16 3 per annum; taken on the last quarter of 1842, they would amount to £1342 per annum.

II. BOYS,  
Bursar, K. C.

D. STATEMENT of outstanding debts due to Upper Canada College, up to March 20th, 1839, and remaining unpaid up to December 31st, 1842.

	£	s.	d.		£	s.	d.		
Askin, Mr. ....	6	13	10	Brought up.....	904	9	6		
Arnold, Mr. ....	8	5	1	Ingersoll.....	7	10	2		
Andrews, Mr. ....	10	0	0	Keegan, Dr. ....	7	14	7		
Billingham, Hy. ....	3	16	3	Kennedy, Mrs. ....	19	13	0		
Botsford, Mr. ....	44	11	8	Kirby, Hon. ....	3	3	1		
Barry, Mr. ....	1	18	9	Keeler, Mr. ....	19	5	3		
Burnside, Dr. ....	7	5	3	Latham, Mr. ....	45	4	1		
Barnhart, Mr. ....	33	5	4	Leslie, Mr. ....	2	6	0		
Blevins, Mr. ....	2	5	0	Leonard, Mrs. ....	35	10	0		
Bate, Mr. ....	2	10	0	Lawrie, Mr. ....	8	8	5		
Baxter, Mr. ....	4	19	6	Lewis, Mr. ....	6	0	0		
Boulton, Jas. ....	2	13	5	McDonell, Mr. Hy. ....	10	13	6		
Boulton, Hy. ....	8	0	2	Mongham, Mr. ....	8	8	10		
Barber, Mr. ....	12	9	6	Meagher, Dr. Kingston .....	6	18	1		
Cameron, Mr. ....	17	18	8	Moore, Thos. ....	17	5	9		
Cummings, Mr. ....	4	6	6	Morgan, Mr. ....	10	16	0		
Collins, Mr. ....	4	13	6	Monk, Capt. ....	21	15	7		
Cubett, Mr. ....	3	11	3	McDonell, Mr. ....	8	6	3		
Coppinger, Capt. ....	2	10	8	Mount, Mr. ....	32	3	11		
Chisholm, Col. ....	22	17	11	McDonell, Mr. (wharf).....	10	5	0		
Connolly, Mrs. ....	65	0	0	McLean, (Justice).....	19	19	10		
Dalton, Mr. ....	18	1	7	Merritt, Mr. ....	5	0	0		
Dennison, Mr. ....	73	7	1	Muttlebury, Mrs. ....	3	15	0		
Duncomb, Dr. ....	4	13	0	McCallum, Mr. ....	3	1	5		
Denham, Mr. ....	24	19	0	McDonnell, Mr. ....	8	4	11		
Dixon, Mr. ....	7	6	0	McMicking, Mr. ....	6	0	0		
Daniell, Mr. ....	6	2	0	O'Grady, Mrs. ....	46	3	3		
Duggan, sen., G. ....	1	17	9	O'Hara, (Col.) .....	*83	18	11		
Dewson, Lieut. ....	2	13	6	Perry, Mr. ....	16	6	4		
Dunn, Hon. ....	2	5	0	Powell, Mrs. ....	25	1	1		
Elliott, Mr. ....	2	8	9	Parker, Mr. ....	6	10	0		
Edwards, Mr. ....	27	13	1	Phillips, Dr. ....	247	1	7		
Fairbanks, Mr. ....	14	10	0	Paget, Dr. ....	3	6	0		
Franks, Mr. ....	2	7	6	Ridout, G. C. ....	66	18	5		
Frazer, Capt. ....	3	1	0	Roddy, Jno. ....	3	11	4		
Givins, Col. ....	25	2	5	Ravenhill, Mr. ....	4	11	0		
Gifford, Mr. ....	6	11	8	Ross, Mr. ....	3	2	11		
Gamble, Mr. ....	34	18	11	Rubidge .....	32	11	8		
Grover, Mr. ....	33	15	11	Richardson, Chs. ....	15	16	7		
Galligo .....	2	10	9	Radcliffe, Thos. ....	4	7	5		
Hawke, Mr. ....	23	10	6	Ryerson, Rev. Geo. ....	2	15	9		
Heward, Mrs. ....	21	13	2	Stanton, Mr. ....	90	12	4		
Hurd, Capt. ....	81	8	1	Stennett, Mr. ....	93	9	3		
Hamilton, Mr. ....	7	10	9	Small, Jno. ....	9	9	10		
Hamilton, Mr. Robt. ....	7	10	0	Spencer .....	1	18	3		
Hall, Mrs. ....	3	14	2	Scarlett, Mr. ....	62	3	9		
Hall, Mr. ....	8	0	3	Spilsbury .....	12	18	6		
Halc, Mrs. ....	52	11	5	Stratford, Dr. ....	8	17	9		
Higgins, Mrs. ....	5	9	8	Smith, Richd. ....	10	0	0		
Hooper, Mr. ....	40	10	1	Stevenson, Jno. (Niagara) .....	8	8	3		
Hutcheson, Mr. ....	22	5	6	Skynner, Capt. ....	34	5	8		
Heron, Mr. ....	1	18	7	Sherwood, Justice .....	8	18	6		
Jarvis, S. P. ....	105	11	0	Shedden, Mrs. ....	22	0	5		
Ingall, Capt. ....	33	12	0						
Jones, Hon. Chs. ....	12	19	8						
Jarvis, Star .....	3	7	6						
Carried up.....	£	994	9	6	Carried forward .....	£	2247	4	11

\* Since paid.

Steers

Appendix (J)		Appendix (J)	
6th October.		6th October.	
	£ s. d.		£ s. d.
Brought forward.....	2247 4 11	Brought up.....	995 13 11
Steers, Mr.....	3 17 11	Harvey.....	21 8 10
Small, James.....	23 13 1	Jarvis, S. P.....	15 11 7
Turquand, Mr.....	48 17 1	Jessoyp, Capt.....	148 7 2
Talbot.....	12 19 0	Jones, Judge.....	†93 4 3
Turner, Dr.....	3 14 3	Kingsmill, Col.....	*73 6 6
Telfer, Dr. (for Oliver).....	3 11 5	Kirkpatrick.....	20 4 8
Thompson, Wm.....	3 8 9	Keeler.....	33 4 1
Wilson, Francis.....	4 0 3	Korby, Jno.....	50 1 6
Weller, Mr.....	22 11 0	Lawrie.....	7 10 0
Wanham, Mr.....	27 0 0	Lyons.....	7 17 0
Wilks, Mr.....	4 9 0	Longley.....	8 7 0
Wilmot, Mr.....	8 14 3	Macaulay.....	†2 5 7
Wade.....	0 13 6	McDonald, Archd.....	39 12 2
Wilson, Mr. (Kingston).....	8 12 1	McLeod, Mrs.....	†8 3 8
Wright, Capt.....	25 0 0	McLean, Judge.....	59 14 6
Young, Mr.....	6 0 7	McDonald, Adjt.....	11 11 1
Judge Hagerman.....	6 7 6	McMicking.....	55 0 0
		McDougal.....	7 12 7
	£ 2460 14 7	Munroe.....	†37 12 2
		Moughan.....	3 14 10
		McCutcheon.....	†9 2 3
		Maule.....	49 2 9
		Nation.....	*56 7 2
		Napier, Capt.....	9 1 11
		Nichol.....	8 6 3
		O'Hara, Col.....	*75 12 0
		Price.....	32 10 7
		Powell, Mrs.....	2 6 8
		Powell, Jno.....	26 17 6
		Parsons.....	22 14 9
		Patterson.....	30 6 7
		Boys, Dr.....	†3 1 0
		Peay.....	33 12 8
		Paget, Dr.....	57 8 1
		Richardson.....	†2 5 0
		Ridout.....	11 17 1
		Roaf.....	43 7 6
		Robinson.....	†3 10 8
		Ryerson, Egerton.....	5 17 11
		Ryerson, Jos.....	†2 8 8
		Read.....	1 0 0
		Radcliffe.....	22 17 0
		Ruttan.....	82 16 3
		Rennie.....	30 9 3
		Roy.....	6 9 5
		Ross.....	1 15 4
		Ritchie, Jno.....	20 9 10
		Sherwood, Judge.....	14 3 11
		Stanton.....	20 1 6
		Small, Jas.....	14 1 10
		Shuter.....	16 11 4
		Smart.....	†2 12 7
		Sharpe.....	†33 17 1
		Spalding.....	†26 9 10
		Thompson, And'w.....	†4 15 4
		Thompson, Chas.....	†59 4 1
		Thompson, Wm.....	6 3 9
		Turquand, Mr.....	22 18 3
		Taylor.....	65 15 2
		Torrance.....	†44 15 2
		Whitney.....	24 7 10
		Wickson.....	†7 13 3
		Wedd.....	7 7 7
		Weller.....	*42 8 2
		Wells, Col.....	45 1 4
		Woodruff.....	†7 11 0
		Walton.....	34 14 9
		Wakefield.....	26 19 0
		Patrick, Mr.....	79 0 5
		Waywaynosh,	
		Assignack,	
		Petoskay,	
		Keejcek,	
		Chinqua,	
		} Five Indian youths	130 11 11
Carried up.....	£ 995 13 11	Carried over.....	£ 2006 3 3

E. STATEMENT of outstanding dues from March 20th, 1839, to December, 1842.

	£ s. d.
Andrews, Mr.....	18 19 1
Anderson.....	†7 15 5
Baldwin, Mr. J.....	†2 5 0
Bell.....	8 17 5
Berger, Mrs.....	0 17 0
Billings, Mr.....	30 5 6
Blevins.....	10 9 4
Boulton, Hy.....	54 9 4
Boulton, Jas.....	38 15 10
Binley.....	8 16 3
Bainos.....	*31 16 2
Bostwick.....	†2 6 0
Baldwin, Dr.....	†4 0 6
Bampfield, Dr.....	3 1 5
Boyd.....	†15 10 9
Boulton, D'A.....	13 13 0
Chewett.....	†7 12 7
Cameron, Matt.....	18 4 6
Cockburn, Mrs.....	4 11 0
Coppinger.....	26 7 0
Crowther.....	9 7 2
Crookshanks.....	†6 10 0
Cameron, Miss.....	†86 5 9
Connolly.....	32 16 9
Crooks.....	55 16 11
Dixon.....	4 11 0
Draper.....	74 6 7
Dyett.....	*58 16 2
Doyle.....	3 19 9
Ewart.....	†8 16 9
Farley.....	15 5 6
Fisher.....	106 4 10
Goslee.....	15 7 0
Hagerman.....	76 2 10
Hellewell, Thos.....	10 5 9
Heward.....	36 1 9
Higgins, J.....	4 14 8
Higgins, Jno.....	2 6 8
Horn, Dr.....	10 3 6
Houghton.....	†4 17 0
Hutcheson.....	13 4 5
Henderson.....	21 7 7
Hamilton, Dr.....	16 6 9
Hawke.....	15 11 6
Hall (New York).....	2 14 3

Carried up.....£ 995 13 11

Carried over.....£ 2006 3 3

		£	s.	d.			£	s.	d.
Appendix (J.) 6th October.	Brought over .....	2096	3	3	Brought up.....		3642	15	7
	Grasset .....	†2	19	2	Fortyc .....		†1	11	0
	Stotesbury .....	5	9	8	Hudspeth .....		†15	17	5
	Bethune .....	†15	5	2	Bloor .....		†3	0	7
	Boswell .....	28	13	10	Musson .....		†3	1	0
	Glasgow .....	42	11	1	Usher .....		†9	8	11
	Clarke, Geo. ....	50	5	8	Usher, Jno. ....		0	15	6
	McFarlane .....	32	0	1	Mittleberger .....		†8	2	3
	Barber .....	39	19	7	Molson .....		†9	10	1
	Doel .....	†1	12	3	Crysler .....		7	18	10
	Watson .....	2	8	0	Harper .....		10	15	5
	Barnum .....	16	9	10	Alma .....		†7	14	7
	Hammond .....	8	2	6	Hamilton .....		7	19	4
	Lewis .....	7	17	3	McCormack .....		†16	1	9
	Williams .....	7	14	11	McMullin .....		†7	14	10
	O'Brien, Dr. ....	†4	12	4	Shaw .....		16	19	11
	McKenzie, Matt. ....	†7	13	3	Hubertus .....		22	5	9
	McKenzie, F. & K. ....	19	15	5	Walbridge .....		8	0	7
	Snider .....	2	11	7	Boyd .....		1	16	10
	Jackes .....	†4	15	0	Campbell .....		†1	11	0
	Nourse .....	†8	1	7	Goodwane .....		7	10	0
	Lamb .....	†7	19	2	Johnstone .....		†9	8	6
	Overfield .....	†7	11	0	Baker .....		0	16	6
	Thompson, (Indiana) .....	†15	11	9	Beaty .....		†3	17	0
	Barron, P. W. ....	†71	12	0	Baldwin, Ed. ....		†3	10	11
	Lyme .....	3	17	6	Gordon .....		†8	10	6
	Thorne .....	22	18	2	Bell, Jno. & Jas. ....		†4	9	8
	Cornwall .....	†6	17	4	Inray .....		†4	15	8
	Palmer .....	10	6	3	Catton .....		†8	1	4
	Carfrae .....	†2	7	0	Jarvis .....		†8	4	4
	Coates .....	17	12	11	Kidd .....		†8	2	4
	Daniel .....	2	7	7	Nelles .....		†7	14	6
	Harris .....	†12	15	6	Northcote .....		†8	4	4
	Latham .....	2	5	0	Ridley .....		†23	14	0
	Ritchie, Matt. ....	*9	1	6	Willard .....		†8	4	8
	Moore .....	2	5	7	Helliwell .....		†4	10	8
	Arnold, Robt. ....	†15	4	7	McIntosh .....		3	10	8
	Clark, Thos. ....	24	1	4	Keefer .....		14	0	0
	Carried up.....£	3642	15	7		£	3640	15	9

\* These have paid in part.

† These have paid since 31st December, 1842.

No. 10.

Assets of King's College, including Upper Canada College.

	£	s.	d.
Cash and profitable instalments .....	49044	18	4
Proceeds of lands, outstanding .....	61084	9	2
Rents in arrear, £16,798 0s. 6d. ; take about half* .....	8400	0	0
Interest in arrear .....	18000	0	0
College dues in arrear, £6,402 0s. 4d. ; take about* .....	5000	0	0
Lands under lease, 101,050, taken at 22s. 6d. per acre .....	113656	5	0
Do. unoccupied, 57,975½ acres, taken at 15s. per acre, at present unprofitable .....	43481	5	0
Buildings and grounds; Site of the University, avenue and improvements, with £6000 already paid towards the new building, at present unprofitable .....	£18000	0	0
Grounds and buildings of Upper Canada College, unprofitable except as saving rent of premises .....	£18000	0	0
	36000	0	0
Block D in Toronto, mostly sold; what remains may be valued at .....	1000	0	0
	£	335666	17 6

\* A considerable part of these two sums must be considered doubtful.

H. BOYS,  
Bursar, K. C.

Appendix  
(J.)  
6th October.

No. 11.

Appendix  
(J.)  
6th October.

AN ESTIMATE of the Income of King's College, and Upper Canada College combined, with the claims thereon; showing the balance or surplus available for the annual expenses of the University.

N.B.—This Estimate is intended to shew what part of the annual receipts can be expended without injury to the capital. The receipts of proceeds of lands sold, interest, and rents, for the three last years, have been as follows:

1840, £11,135 5s. 1½d.; 1841, £14,517 16s. 5d.; 1842, £13,688 8s. 1d.

These receipts will go on increasing as we sell more land and collect the proceeds. In providing for the annual expenses of the University, we must avoid intrenching upon the portion of these receipts which should be reserved as capital; on the other hand, we need not confine our expenditure to the amount of rent and interest actually received; for, from the mode in which we sell property by instalments, the interest on which is receivable only as the instalment become due, and not annually upon the whole purchase money outstanding; we may fairly expend part of the early instalments received, in anticipation of the interest accruing on the more distant instalments, which, when they become due, yield their accumulated interest. It is the same with the arrears due to the College; these are so great that they cannot be collected at once, without throwing our purchasers and tenants into great distress; and it has been thought advisable to give time to the indebted parties, and to divide the claims upon them into annual instalments, not exceeding five years, so as to extinguish the whole debt in five years. The instalments are made to bear interest: but the interest being deferred, we can calculate only on its present value, but we may fairly expend to the amount of its present value.

THE ESTIMATE of the annual income of King's College and Upper Canada College combined, with the annual charges thereon, taken upon the affairs of those establishments as they stood on the 31st December, 1842.

PARTICULARS OF INCOME.				Amount.		
				£	s.	d.
Investments—Government debents., at 6 per cent....	£35606	15	2	yielding	£2136	8 0
do. at 5 per cent....	550	0	0	....	27	10 0
do. at 2 per cent....	2025	0	0	....	40	10 0
Stock of Bank U. C...at 8 per cent....	250	0	0	....	20	0 0
Do. of Gore Bank..at 8 per cent....	187	10	0	....	15	0 0
Funds invested in land, bearing int. at 6 per cent....	5919	3	11	....	355	3 0
Funds secured on mortgage.....	3698	6	1	....	221	18 0
	£48236	15	2		£2816	9 0
Rents taken on the roll at the end of 1842, £2501 per annum.						
N. B.—These increase every seven years; and as some of our leases are annually completing their seven years, it makes an annual increase of about £100 a-year; but it is necessary to make a considerable allowance in this item for delay and irregularity in payment, taken only at.....					1900	0 0
Rents in arrears, £16,798 0s. 6d.						
N. B.—See the note which precedes this estimate, take only half the amount at 6 per cent.					500	0 0
Purchase money outstanding K. C.....	£51727	12	8			
U. C. C.....	6438	4	5			
Block D.....	2900	12	1			
	£61084	9	2			
N. B.—This sum we leave in the hands of our purchasers as long as they pay the interest regularly. It is an investment at 6 per cent. upon property which is our own until fully paid for, and is daily improving in value. The purchasers are anxious to get their deeds, and a great part of this money is continually coming in.						
Allowing for delays, take the annual interest at only .....					3500	0 0
Arrears of interest on purchase money outstanding, about £18,000.						
N. B.—The whole of this will be collected, or the parties will forfeit their improved lands. We are placing it on the footing of bearing interest; but its collection being distributed over five years, its deferred value only can be calculated upon; say.....					800	0 0
Dues of Upper Canada College for tuition; taken on the average of the last four years. "See Return, No. 9, A. the note thereon" .....					1131	16 3
Arrears of dues of U. C. C. £6402 0s. 4d. See Return, No. 9, C.						
Carried over.....	£10648	5	3			

N. B.

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PARTICULARS OF INCOME.		Amount.		
		£	s.	d.
Brought over .....		10648	5	3
N. B.—Much of these dues will never be recovered, and time must be given for the recovery of the remainder; take them only at.....		100	0	0
Royal donation to Upper Canada College.				
N. B.—This has been regularly paid, and was voted by the present Parliament to 31st December, 1841.....		1111	2	2
		<hr/>		
		£11859	7	5
PARTICULARS OF CHARGES.				
King's College, as shewn by Return No. 3.....		£1200	0	0
Upper Canada College, as shewn by Return No. 7.....		4000	0	0
		<hr/>		
Balance applicable to the annual expenses of the University .....		5200	0	0
		6659	7	5
		<hr/>		
		£11859	7	5

\* The expenso of keeping the grounds in order, with the salary of the Superintendent, also the salary of the Architect, and the salaries of such University Officers as have been appointed, are not included in these charges; for, being University charges, they will be chargeable against the available balance.

H. BOYS,  
Bursar, K. C.

## R E T U R N S

FROM THE COLLECTORS of the Ports of MONTREAL and KINGSTON, to an Order of the LEGISLATIVE ASSEMBLY, of the 8th October, 1842, for a copy of the REGULATIONS relating to WAREHOUSING at the several Ports of this Province.

*From the Collector of the Port of Montreal.*

RETURN to an order of the Honorable the Legislative Assembly, of the 8th October, 1842, ordering, "That Collectors at the several Warehousing Ports in this Province do return to this House, within the first ten days of the next Session thereof, a certified copy of the Regulations made by them respectively, for the warehousing, delivery, and transmission of goods in bond, at and from the said Warehousing Ports; and that the Clerk of this House do forthwith transmit a copy of this order to the said Collectors, respectively."

The Warehousing system having been, as yet, but little adopted by the importing merchants, the goods warehoused heretofore have been so trifling, in proportion to the import trade of this Port, that no regulations have been made or deemed necessary by the Collector, for the locking and opening of the Warehouse, or for the carrying of goods to and from the Warehouse; these being the only regulations that Collectors are authorised to make, by the 39th Section of the Imperial Act, 3 & 4 Wm. 4, Chap. 59.

The regulations for the Warehousing, delivering, and transmission of goods in bond, at and from the Warehousing Ports, are prescribed by Sections 40, 41, 42, 43, 44, 45, 46, and 47, of the above mentioned Act.

Should the Warehousing system be more generally adopted than it has been, it will become necessary for the Collector to make some regulations for the locking and opening of the Warehouse, and for the carrying of goods to and from the same.

MEMORANDUM.—It has been required at this Port, that boats receiving goods from the Warehouse, to be re-warehoused at Toronto or Hamilton, should load within the limits of the Port.

W. HALL,  
Collector.

Custom House,  
Montreal, 27th January, 1843.

*From the Collector of the Port of Kingston.*

Custom House Office,  
Port of Kingston, 6th day of October, 1843.

SIR,

In compliance with an order passed by the Legislative Assembly on the 8th October, 1842, requiring the Collectors at the several Warehousing Ports in this Province to return to the said House

at its next Session, "A certified copy of the regulations made by them respectively, for the warehousing, delivering, and transmission of goods in bond, at and from the said Warehousing Ports," I have the honor to state, that on the arrival of a vessel with goods to be placed in bond, after the Master has made his report, the owners or consignees receive permission to discharge the same from the vessel into the Warehouse, upon executing a bond, with two sufficient sureties, in treble the amount of duties the property would be subject to, agreeable to the form herewith, marked A.; and after executing another bond, with sufficient sureties, similar to the accompanying one, marked B., the property is transmitted, under a certificate similar to the one marked C., to another Warehousing Port; and sufficient time is given to the parties to receive from the Collector at the Port of re-warehousing of the said goods, a certificate of its due arrival and re-warehousing, when the amount of duties charged to the importers is then credited, and the bonds cancelled.

I have the honor to be,

Sir,

Your most obedient servant,

THOS. KIRKPATRICK,

Collector.

To W. B. Lindsay, Esquire,  
Clerk Legislative Assembly.

*Form of Bond A.*

Know all men by these presents, that we, ———, are jointly and severally held and firmly bound unto our Sovereign Lady the Queen, Her heirs and successors, in the penal sum of ———, lawful money of the Province of Canada, for which payment well and truly to be made, we, and each of us, bind ourselves, and each of us, our, and each of our, heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated at the Town of Kingston, in the Province of Canada, aforesaid, this ——— day of ———, in the year of our Lord one thousand eight hundred and forty ———.

Whereas the said ——— hath imported into this Province, at this Port, from the United States, the following goods, viz: ———, upon which the duties have not been paid or secured; now the condition of this obligation is such, that if the said ———, or either of them, their, or either of their heirs, executors or administrators, shall safely and securely deposit the said goods in the Custom House Warehouse, and shall not suffer or permit the same, or any part thereof, to be removed, until cleared from

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thence, upon due entry and payment of duty, or upon due entry for exportation; and that if the whole of such goods shall be so cleared from such Warehouse, and the duties upon any deficiency of the quantity, according to the first account of the same, to be paid within two years from the date of the first entry thereof, then this obligation to be null and void, or else to remain in full force, virtue, and effect.

Signed and sealed in }  
the presence of \_\_\_\_\_ }

\_\_\_\_\_  
*Form of Bond B.*

Know all men by these presents, that we, \_\_\_\_\_, are jointly and severally held and firmly bound unto our Sovereign Lady the Queen, Her heirs and successors, in the penal sum of \_\_\_\_\_, lawful money of the Province of Canada; for which payment well and truly to be made, we, and each of us, bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated at the Town of Kingston, in the Province of Canada, aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and forty \_\_\_\_\_.

Whereas \_\_\_\_\_ imported into this Province from the United States the following goods, viz: \_\_\_\_\_; and duly warehoused the same at this Port; and whereas the said \_\_\_\_\_ is desirous of removing

the same, without payment of duty, to the \_\_\_\_\_ Warehousing Port of \_\_\_\_\_, in this Province, and \_\_\_\_\_ entered the same outwards therefor: now the condition of this obligation is such, that if the said \_\_\_\_\_ shall, within \_\_\_\_\_ days from the date hereof, remove the said goods to the Port of \_\_\_\_\_, aforesaid, and shall land and duly re-warehouse the same at said port, and shall, within \_\_\_\_\_ days thereafter, produce evidence of the same to the satisfaction of the Collector of the Port of Kingston, aforesaid, then this obligation to be null and void, or else to remain in full force, virtue, and effect.

Signed and sealed in }  
the presence of \_\_\_\_\_ }

\_\_\_\_\_  
*Form of Certificate C.*

PROVINCE OF CANADA.

Custom House Office,  
Port of Kingston, \_\_\_\_\_ day of \_\_\_\_\_, 184 \_\_\_\_\_.

This is to certify, that \_\_\_\_\_ permitted to remove from the Custom House Warehouse at this Port, to the Port of \_\_\_\_\_, in this Province, within \_\_\_\_\_ days from this date, the following property, viz: \_\_\_\_\_; and there to re-warehouse the said property, according to law, security having been given at this Office for the due arrival and warehousing of the same.

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PROVINCE OF CANADA.

A DETAILED STATEMENT OF BONDS and other SECURITIES which have been Registered in the Office of the Provincial Registrar, between the 7th September, 1842, (to which date a Return of all previously registered Bonds and Securities was laid before the Provincial Legislature,) to the 28th September, 1843: prepared in compliance with the 15th Section, 4 & 5 Vict. chap. 91.

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SURETIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Adams, Thomas.....	Paymaster of certain Works on the Welland Canal, appointed by the Board of Works.....	Adams, George..... Adams, Elias Smith.....	£ 1000 500 500	17th Sept. 1842. 23rd Sept. 1842.	1842.
Archambeault, Eugene.....	Clerk, Division Court No. 3, Inferior District of Leinster.....	Archambeault, Pierre Wigel..... Archambeault, Zéphirin.....	150	8th Feb'y, 1842. 24th "	1842.
Abbott, Moses.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Sloan, David Gilderland..... Beath, Robert.....	100	31st August, 1842. 15th October, 1842.	1842.
Archambeault, Joseph N. A.....	Clerk, Division Court No. 2, Inferior District of Richelieu.....	Monjeau, Charles..... Brodeur, Antoine.....	150	10th March, 1842. 4th Nov. 1842.	1842.
Archambeault, Louis.....	Registrar for the District of Leinster.....	Dumas, Norbert..... Leodel, Peter Charles.....	2000	1st April, 1843. 15th April, 1843.	1843.
Bostwick, John, Esquire.....	Collector of Customs, Port Stanley.....	Goodhue, George Jarvis..... Lawrason, Lawrence.....	400 200 200	3rd Sept. 1842. 20th Sept. 1842.	1842.
Bettez, Joseph.....	Clerk, Division Court No. 3, Inferior District of Three Rivers.....	Richer, Modeste..... Lajoie, Jean Baptiste.....	150	10th January, 1842. 24th "	1842.
Barbeau, Charles.....	Bailiff, Inferior District of Leinster.....	Bronillet, Charles..... Belanger, Charles.....	100	1st Feb'y, 1842. 24th "	1842.
Bourgoin, Jean Baptiste.....	Bailiff, Inferior District of Leinster.....	Miron, Charles..... Dalbec, Jean Baptiste.....	100	2nd " 1842. 26th "	1842.
Bouthillier, Tancrede, Esquire.....	Assistant Commissioner for the sale of Crown Lands.....	James McGill Des Rivieres..... Edouard Martial Lephron.....	2000 St'g. 1000 St'g. 1000 St'g.	13th July, 1842. 28th "	1842.

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A DETAILED STATEMENT OF BONDS and other SECURITIES which have been Registered in the Office of the Provincial Registrar, &c.—(Continued.)

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SURETIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Bellenois, Désiré Lemaitre .....	Bailiff, District Court, Inferior District of Berthier.....	Beaupré, Joseph..... Poisson, Modeste .....	100	17th January, 1842.	29th Sept. 1842.
Bostwick, Matthew .....	Bailiff, District Court, Inferior District of Sherbrooke.....	Stinson, Arba..... Woodward, Albert G.....	100	6th "	1842. 13th October, 1842.
Brazeau, Paul .....	Bailiff, District Court, Inferior District of Two Mountains .....	Scott, William H..... Watts, James .....	100	28th "	1842. 19th "
Beaton, William.....	Do do do	Farish, Frank .....	100	24th "	1842. 31st "
Brazeau, Joseph.....	Do do do	Beattie, David .....	100	29th "	1842. 27th "
Belaire, Narcisse.....	Do do do	Dubreuil, Etienne..... Beattie, David .....	100	23rd May, 1842.	31st "
Bastien, Joseph Octave .....	Clerk, Division Court No. 3, Inferior District of Montreal .....	Globensky, Hubert..... Chalouneau, Louis .....	100	25th January, 1842.	31st "
Bastien, Joseph Octave .....	Clerk, do. No. 2, do., Montreal.....	Ouimet, André..... Lafontaine, Edouard .....	150	10th "	1842. 2nd Nov. 1842.
Bellairs, James Peel.....	Collector of Customs, Port Burwell.....	Ouimet, André..... Lafontaine, François Xavier.....	1000	30th Sept. 1842.	18th "
Buchanan, Drummond.....	Registrar, District of Terrebonne, (renewed).....	Blackburn, John B..... McKenzie, Walter .....	500	24th June, 1843.	27th June, 1843.
Borne, Michel.....	Collector of Toll, and Harbor and Lock Master, Chambly Canal.....	Morris, John.....	2000	26th "	5th July, 1843.
Begly, Robert James.....	Paymaster, &c., appointed by the Board of Works.....	La Rocque, François Alfred C..... Le Bourdais, Jean Baptiste.....	250	23rd Aug. 1843.	29th Aug. 1843.
		Graham Robert .....	1000		
		Tully, John.....	500		

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Botham, James.....	Clerk Division Court, No. 2, Inferior District of Missisquoi .....	Rolleston, Gardiner Boyd..... May, Horatio Nelson .....	150	5th Sept.	1843. 12th Sept. 1843
Cott, James .....	Collector of Customs, Port of Antrim .....	Warren, Duncan .....	1000	30th Aug.	1842. 20th Sept. 1842
Chaput R. and .....	Bailiff, District Court, Inferior District of Montreal.....	Pahner, John .....	500	29th January, 1842.	26th Sept. 1842
Chaput, Jean Baptiste .....	Clerk, Division Court No. 2, Inferior District of Berthier.....	Brault, Augustin..... Bedard, Thomas.....	100	11th January, 1842.	28th Sept. 1842
Clement John.....	Bailiff, District Court, Inferior District of Berthier.....	Chalut, François .....	150	23d February, 1842.	30th Sept. 1842
Chisholm, John.....	Collector of Customs, Port Burlington.....	Ouimet, André..... Clark, Horatio N.....	1000	26th Sept.	1842. 5th October, 1842
Cleeve, Frederick Charles.....	Clerk, Division Court No. 2, Inferior District of Sherbrooke.....	Leblanc, Jean Baptiste .....	500	31st Sept.	1842. 8th October, 1842
Corbett, Thomas Augustin.....	Sheriff, Midland District (Covenant).....	Smith, Hiram..... Land, Able .....	150	11th Oct.	1842. 11th October, 1842
Ditto do .....	Ditto, do. (Bond) .....	Wales, Polly (Widow)..... Woodward, Albert G.....	1000	11th Oct.	1842. 11th October, 1842
Clark, Eleazer.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Smith, Henry, Junior..... McDonald, John Alexander .....	500	6th January, 1842.	13th October, 1842
Crosby, Milton.....	Bailiff, do. do .....	Smith, Henry, Junior..... McDonald, John Alexander .....	100	7th January, 1842.	14th October, 1842
Chaput, Joseph.....	Bailiff, District Court, Inferior District of Two Mountains .....	Sleeper, Thomas .....	100	20th January, 1842.	18th October, 1842
Campbell, Alex. Lewis.....	Clerk, Division Court No. 5, Inferior District of Sydenham .....	Beckett, Henry..... Ball, Lespinard Calce.....	150	21st January, 1842.	28th October, 1842
Carniel, Eustache Sicard de .....	Clerk, Division Court No. 3, Inferior District of Three Rivers.....	McKay, Augustus .....	150	29th Dec.	1842. 3rd February, 1843

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A DETAILED STATEMENT OF BONDS and other SECURITIES which have been Registered in the Office of the Provincial Registrar, &amp;c.—Continued.

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SURETIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Chisholm, Robert Kerr	Collector of Customs, Port of Oakville	Urquhart, John	£ 1000	23d Feb. 1843	3d March, 1843
Chalut, Jean Baptiste	Registrar for the District of Berthier	McCorguadale, Peter	500	23d March, 1843	15th April, 1843
Crossdale, Thomas	Paymaster on the Public Works, on the Ottawa River, under the Board of Works	Forenet, Chas. & Doucet, Norbert.	500		
DeTomancour, Charles	Coroner for the District of St. Francis	Mousseau, Alexis	2000	11th July, 1843	18th July, 1843
Duprat, Joachim	Bailiff, District Court, Inferior District of Leinster	Higginson, James M.	200		
Desmarais, Jean Baptiste	Bailiff, District Court, Inferior District of Berthier	Palmer, Robert	100	16th July, 1843	23d Sept. 1842
Delisle, James William	Bailiff, District Court, Inferior District of Terrebonne	Cutrell, Francis	50		
Desjardins, Edouard	Bailiff, do	Moore, Taylor Moore	100	15th January, 1842	27th Sept. 1842
Dresser, John Foster	Bailiff, District Court, Inferior District of Sherbrooke	Destongchamp, Pierre Hubert dit.	100		
Dorton, Joseph	Bailiff, District Court, Inferior District of Two Mountains	Provencal, Pierre Laurant Close dit.	100	3rd February, 1842	29th Sept. 1842
Desjardins, Edouard	Bailiff, do	Belair, Stanislas Sibert dit.	100		
Dorion, Noel	Bailiff, do	Payette, Pierre	100	22d July, 1842	7th October, 1842
		Tasse, Augustin	100		
		Malette, Leon	100	11th January, 1842	7th October, 1842
		Desjardins, Paschal	100		
		Desjardins, Charles	100	19th February, 1842	11th October 1842
		Foster, George King	100		
		Cleveland, Chester Bissell	100	28th January, 1842	19th October, 1842
		Scott, William H.	100		
		Watts, James	100	8th February, 1842	27th October, 1842
		McKenzie, Alexander	100		
		Perrin, Nicolas	100	23d March, 1842	31st October, 1842
		Dorion, Edward	100		
		Simpson, Robert	100		

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Doncet, Theodore	Clerk, District Court, District of St. Hyacinthe	Mignault, Pierre Marie	500	23d Nov. 1842	30th Nov. 1842
Davidson, John	Collector of Customs, Port of Burlington Bay	Lamothe, Pierre	1000	14th Jan. 1843	16th Jan. 1843
Davidson, John	Collector of Tolls and Dues, Burlington Bay Canal	Cartwright, John S.	500		
Dorion, Joseph	Bailiff, Inferior District of Terrebonne	Bouthillier, Tancrede	1000	14th Jan. 1843	16th Jan. 1843
Desaulniers, Leonard Leiseur	Clerk, District Court No. 2, Inferior District of Terrebonne	Cartwright, John S.	500		
Dickson, Andrew	Sheriff of the Bathurst District (Bond)	Bouthillier, Tancrede	500	27th Octobere, 1842	5th May, 1843
Dickson, Andrew	Do do (Covenant)	Guerin, Bertrand	100		
Daintry, George Smith	Inspector of Licenses, Newcastle District	Desjardins, Edouard	150	30th Jan. 1843	5th May, 1843
Dowling, Edward	Registrar, District of Montreal. (N.B. This is a new security, substituted in lieu of a former one)	Chomont, Joseph	1000		
Elkins, Christopher Pfringer	Clerk, Division Court No. 3, Inferior District of Sherbrooke	Hogue, Domonique	500	15th July, 1843	18th July, 1843
Ebbs, Nathaniel	Bailiff, District Court, Inferior District of Sherbrooke	Radenhurst, Thomas M.	500		
Frazer, John	Clerk, Division Court No. 3, Inferior District of Terrebonne	Mallock, John G.	500	13th July, 1843	18th July, 1843
Fox, Amos	Bailiff, District Court, Inferior District of Sherbrooke	Glass, Henry	125		
Fortier, Olivier	Bailiff, District Court, Inferior District of Two Mountains	Bell, William	125	14th August, 1843	18th August, 1843
		Bell, John	125		
		Hall, John	125	1st August, 1843	18th August, 1843
		Boswell, John Vance	500		
		Boswell, George Morss	250	10th Jan. 1842	8th October, 1842
		Daly, Dominick	5000		
		Holmes, Benjamin	150	12th Jan. 1842	15th October, 1842
		Becket, Henry	100		
		Griffith, Thomas	150	11th Jan. 1842	4th October, 1842
		Brown, Thomas	100		
		Woodward, Albert G.	100	18th Jan. 1842	13th October, 1842
		Hallowell, Robert	100		
		Leslie, James	100	11th Feb. 1842	27th October, 1842
		Brooks, William	100		
		Loomis, Francis	100		
		Leclerc, Francis	100		
		Bocleau, Francois	100		

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A DETAILED STATEMENT OF BONDS and other SECURITIES which have been Registered in the Office of the Provincial Registrar, &c.—(Continued.)

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SURETIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Fournier, Charles François.....	Clerk, Division Court, No. 4, Inferior District of St. Thomas.....	Fraser, Simon.....	150	7th January, 1842	2nd Nov. 1842
Galt, John.....	Collector of Customs.....	Tetu, Felix.....	1000	— Sept.	1842
		Lizars, Daniel.....	500		
Gilbault, Joseph.....	Bailiff, District Court, Inferior District of Leinster.....	Hyndman, Henry.....	500	17th January, 1842	26th Sept. 1842
Geroux, Charles.....	Paymaster on the Public Works in the Newcastle District, appointed by Board of Works.....	Beaupré, Joseph.....	100	— 26th Sept.	1842
		McKay, Louis Eustache.....	100		
Giroux, Prune.....	Bailiff, District Court, Inferior District of Berthier.....	Burnham, Zacheus.....	1000	17th January, 1842	29th Sept. 1842
Guillemont, Joseph.....	Bailiff, District Court, Inferior District of Terrebonne.....	Ruttan, Henry.....	500	17th January, 1842	29th Sept. 1842
		Giroux, Joseph.....	100		
Graton, Louis.....	Do do do	Robillard, Amable.....	100	29th January, 1842	4th October, 1842
Granger, Isaie.....	Do do do	Huotel, Pierre.....	100	26th January, 1842	4th October, 1842
		Gladre, Louis.....	100		
Galloway, Samuel.....	Bailiff, District Court, Inferior District of Two Mountains.....	Graton, Joseph.....	100	14th January, 1842	7th October, 1842
		Sawriole, André.....	100		
Gorman, Hugh.....	Bailiff, District Court, Inferior District of Sydenham.....	Granger, Moses.....	100	18th April, 1842	29th Sept. 1842
		Renaud Joseph.....	100		
Hamilton, Robert Hart.....	Naval Officer, or Clerk in the Naval Office at the Port of Quebec.....	Quinn, John.....	100	10th April, 1830	24th Sept. 1842
		Sims, William W.....	100		
Hoyle, Robert.....	Collector of Customs, Stanstead.....	Bourke, Richard.....	100	6th June, 1836	24th Sept. 1842
		Clifford, Michael.....	100		
		Campbell, Archibald.....	500		
		Campbell, John Saxton.....	500		
		Ross, Robert Pope.....	500		
		Bigelow, Levi.....	500		

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Hall, Henry.....	Clerk, Division Court No. 3, Inferior District of Berthier.....	Hall, William.....	500	31st January, 1842	29th Sept. 1842
Hamilton, Robert Hart.....	Naval Officer, or Clerk in the Naval Office at the Port of Quebec.....	Connolly, William.....	1000	21st Sept.	30th Sept. 1842
Hopkinson, William.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Molson, John.....	100	4th January, 1842	10th October, 1842
		Tobin, John Michael.....	100		
Hanson, Elijah.....	Do do do	Walker, William.....	100	1st March, 1842	11th October, 1842
		Thomson, Alexander.....	100		
Hill, Horatio Nelson.....	Do do do	Davis, Charles William.....	100	7th January, 1842	18th October, 1842
		Humphrey, Samuel Allan.....	100		
Holt, Enoch.....	Bailiff, District Court, Inferior District of Sydenham.....	Brooks, William.....	100	24th February, 1842	29th October, 1842
		Edgell, Levi Allan.....	100		
Holt Benjamin.....	Do do do	Holsted, George.....	100	31st January, 1842	29th October, 1842
		Olmsted, Zenus.....	100		
Hillman, Henry.....	Do do do	Beattie David.....	100	21st January, 1842	29th October, 1842
		McArthur, Eric.....	100		
Honan Martin.....	Do do do	Couillard, Antoine.....	100	26th April, 1842	31st October, 1842
		Hillman, Charles.....	100		
Holmes, James, Gentleman.....	Registrar, Treasurer, &c., Trinity House at Montreal.....	Morris, Butler K.....	1000	23d March, 1843	15th April, 1843
		Spearman, Andrew.....	1000		
Hamilton, James.....	Sheriff, District of London, (Bond).....	Holmes, Benjamin.....	1000	21st April, 1843	3rd May, 1843
		Welkes, the Rev. Henry.....	1000		
Hamilton, James.....	Sheriff, District of London, (Covenant).....	Douglas, Alexander.....	250	21st April, 1843	4th May, 1843
		Hall, Cyrenus.....	250		
Jolivet, Joseph.....	Clerk, Division Court No. 2, Inferior District of St. Thomas.....	Ermatinger, Edward.....	250	18th July, 1842	17th October, 1842
		Geary, John.....	250		
		Douglas, Alexander.....	250		
		Hall, Cyrenus.....	250		
		Ermatinger, Edward.....	250		
		Geary, John.....	250		
		Quivonnet, Hon. François.....	150		
		Aubé, Marcel.....	150		

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A DETAILED STATEMENT OF BONDS and other SECURITIES which have been Registered in the Office of the Provincial Registrar, &c.—(Continued.)

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SECURITIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Jessopp, Henry	Naval Officer, and Clerk of the Navy Office, Port of Quebec.	Ryland, George Herman	1000	15th May, 1843	1843
Kilfoyle, William	Bailiff, District Court, Inferior District of Sherbrooke.	Kerr, James Hastings	500		
Leslie, Anthony	Inspector of Licences, District of Bathurst.	Shaw, Robert	500		
Leleue, Joseph	Bailiff, District Court, Inferior District of Leinster	Morrison, Andrew	100	1st February, 1842	14th October, 1842
Lavallée, André Bouchard	Clerk, Division Court No. 2, Inferior District of Terrebonne	Morris, The Hon. William	500		
Leporte, Michel	Bailiff, District Court, Inferior District of Two Mountains.	Wilson, James	250	3rd Sept.	1841
Laniel, Augustin	Bailiff, do do	Jacupré, Edouard	250		
Lemae, Denis	Clerk, Division Court No. 4, Inferior District of Sydenham.	Poisson, Modeste	100	17th January, 1842	26th Sept.
Letellier, Michel Eustache	Clerk, Division Court No. 3, Inferior District of St. Thomas	Longpré, Jérôme Arth.	150		
McMicken, Gilbert	Collector of Customs, Port of Queenston	Longpré, Jérôme	150	11th January, 1842	4th October, 1842
Monsarrat, Charles	Paymaster and Accountant for the Western Roads of Canada, under the Board of Works	Bertrand, Olivier	100		
Mount, Phillip	Clerk, Division Court, No. 2, Inferior District of Leinster.	Clavel, Joseph	100	26th January, 1842	19th October, 1842
		Massie, John Baptiste	100		
		Brisbois, François	150	11th February, 1842	27th October, 1842
		Bowman, Baxter	150		
		Bigelow, Lawrence G.	150	19th January, 1842	25th October, 1842
		Letellier, Eustache	150		
		Fourrier, Jean Baptiste	1000	18th June, 1842	22d Nov.
		Hamilton, Hon. John	500		
		Keefer, Jacob	500	12th Sept.	1842
			1000		
			500	12th Sept.	1842
			500		
			150	18th January, 1842	24th Sept.
			150		

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Morneau, Hypolite	Bailiff, District Court, Inferior District of Leinster	Archambault, Louis	100	20th Jan.	1842
Monday, Bernard	Bailiff, District Court, Inferior District of Berthier	Morneau, Jean	100	15th March,	1842
Moe, Hiram	Bailiff, District Court, Inferior District of Sherbrooke	Piette, Pierre	100	3d Jan.	1842
Mallory, Samuel	Bailiff, do do	Maguani, Pierre	100	9th Jan.	1842
McCallum, Alexander	Clerk, Division Court, No. 5, Inferior District of Two Mountains	Walker, William	100	29th Jan.	1842
McKay, Stephen	Clerk, Division Court No. 3, Inferior District of Two Mountains	Ball, Lespinard Calce	150	11th Feb.	1842
McKay, Stephen	Clerk, Division Court No. 4, Inferior District of Two Mountains	Brooks, William	150	11th Feb.	1842
Morton, John	Clerk, Division Court, No. 2, Inferior District of Sydenham	Edgell, Levi Allen	150	16th June,	1842
Morton, John	Clerk, Division Court No. 3, Inferior District of Sydenham	McCullum, Archibald	150	16th June,	1842
Maitland, John	Bailiff, District Court, Inferior District of Sydenham.	Abbott, Rev. Joseph	100	11th March,	1842
McKay, Stephen, Junior	Clerk, Division Court No. 4, Inferior District of Two Mountains	Bower, Dr. James	100	13th August,	1842
McKay, Stephen, Junior	Clerk, Division Court No. 3, Inferior District of Two Mountains	Globensky, Frederick Eugene	150	13th August,	1842
Morin, Augustin Norbert	Commissioner of Crown Lands	Bower, Dr. James	3000 Stg.	19th Nov.	1842
		Globensky, Frederick Eugene	750 Stg.		
Mendell, William Fabian	Collector of Customs, Port of Brockville	Globensky, Leon	750 Stg.	19th Jan.	1843
		Globensky, Hubert	750 Stg.		
		Globensky, Hubert	750 Stg.	19th Jan.	1843
		Globensky, Leon	500		
		Viger, Louis Michel	500		
		Bourret, Joseph	500		
		Girouard, Jean Joseph	500		
		Perrault, Augustin	500		
		Dunham, Ephraim	500		
		Fairbairn, David	500		

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A DETAILED STATEMENT OF BONDS AND OTHER SECURITIES WHICH HAVE BEEN REGISTERED IN THE OFFICE OF THE PROVINCIAL REGISTRAR, &c.—Continued.

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SURETIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Moberly, John	Inspector of Licenses, District of Simcoe	Gamble, Clarke	500	26th Jan. 1843	3rd Feb. 1843
McMartin, Alexander	Sheriff of the Eastern District, (Bond)	Boulton, William Henry	250	25th Jan. 1843	13th Feb. 1843
McMartin, Alexander	do (Covenant)	McLean, Alexander	1000		
Miller, William Duff	Inspector of Licenses, District of Niagara	Cameron, John	500	25th Jan. 1843	14th Feb. 1843
Menzies, Alexander Stewart	Clerk, District Court, Inferior District of Nicolet	McDonnell, Donald E.	500	2nd March, 1843	14th March, 1843
McCormick, Thomas	Collector of Customs, Port of Niagara	McDonnell, Duncan Greenfield	500		
Olivier, Charles Pierre Dominique	Bailiff, District Court, Inferior District of Berthier	Campbell, Edward C.	250	3rd April, 1843	20th April, 1843
O'Connor, Charles	Bailiff, District Court, Inferior District of Sherbrooke	Heron, Andrew	250		
Panet, Louis	Agent for the Jesuits' Estates in the District of Quebec	Menzies, James	500	18th July, 1843	22nd July, 1843
Pepin, Henry	Bailiff, District Court, Inferior District of Leinster	Duncan, James	1000		
Paneton, Louis A.	Bailiff, do	Melville, Robert	500	9th March, 1842	30th Sept. 1842
Powell, John A. K.	Sheriff, District of Bathurst, (Bond)	Woodruff, Richard	500		
		Bonin, Louis	100	23rd March, 1842	11th October, 1842
		LaFontaine, Louis G.	100		
		Edgell, Levi Allan	750	20th February, 1838	23rd Sept. 1842
		Bailey, Ward	100		
		Panet, Philippe	100	18th January, 1842	27th Sept. 1842
		Panet, Charles	100		
		Cloutier, Zacharie	1000	14th May, 1842	28th Sept. 1842
		Bolduc, Urbain	500		
		Renaud, Pierre	1000	20th Sept. 1842	8th October, 1842
		Guilbault, Narcisse	500		
		Graham, Henry	1000	20th Sept. 1842	8th October, 1842
		Adams, Joshua	500		

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Panneton, Adolphe	Bailiff, District Court, Inferior District of Terrebonne	Piché, Charles	100	15th Nov. 1842	15th Nov. 1842
Powell, John A. H.	Sheriff, District of Bathurst, (Covenant)	Masson, François	500	20th Sept. 1842	14th Feb. 1843
Phelan, Daniel	Harbour and Lock Master, and Collector of Tolls on the Chamblé Canal, St. John's	Graham, Henry	250		
Quinn, Moses	Clerk, Division Court No. 2, Inferior District of Two Mountains	Adams, Joshua	250	1st July, 1843	19th July, 1843
Ribardy, Pierre	Bailiff, District and Division Courts, Inferior District of Berthier	Brennan, Patrick	500		
Rogers, Joseph	Bailiff, District Court, Inferior District of Two Mountains	Flaherty, John	250	25th January, 1842	17th October, 1842
Rorke, William	Collector of Customs, Port Hallowell	Davis, Moses	150		
Ryan, John	Sub-Collector and Lock Keeper at Ste. Anne's	McDonald, Ronald	100	19th March, 1842	4th October, 1842
Sheehan, Walter Butler	Collector of Customs, Port Colborne	Heroux, Joseph	100		
Sylvester, Louis Moise	Bailiff, District Court, Inferior District of Berthier	Tillier, Antoine	100	24th January, 1842	18th October, 1842
Sauché, Prospère	Bailiff, District Court, Inferior District of Terrebonne	Beattie, David	1000		
Simpson, William	Collector of Customs, Port of Penetanguishine	Denor, Duncan	500	17th April, 1843	3rd May, 1843
Smith, Benjamin Walker	Sheriff for the District of Simcoe, (Bond)	Thorp, David Lewis	500		
Smith, Benjamin Walker	do (Covenant)	McFaul, Archibald	500	4th July, 1843	17th July, 1843
		Murphy, James	1000		
		Grace, John	500	5th Sept. 1842	22nd Sept. 1842
		Furry, Jones, Senior	100		
		Sheehan, Henry Ford	500	22nd February, 1842	30th Sept. 1842
		Sylvester, Pierre	100		
		Guillebeau, Joseph	100	24th January, 1842	4th October, 1842
		Sauché, Joseph	1000		
		Chapeleau, Pierre	500	23rd Nov. 1842	2nd Dec. 1842
		Cathcart, Robert	500		
		McMaster, William	1000	31st Jan. 1843	27th Feb. 1843
		Lount, George	500		
		Tyson, Thomas Wesley	1000	31st Jan. 1843	5th May, 1843
		Lount, George	500		
		Tyson, Thomas Wesley	500		

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A DETAILED STATEMENT OF BONDS AND OTHER SECURITIES WHICH HAVE BEEN REGISTERED IN THE OFFICE OF THE PROVINCIAL REGISTRAR, &c.—(Continued.)

NAME OF PRINCIPAL.	OFFICE OR APPOINTMENT.	NAMES OF SURETIES.	PENALTY.	DATE OF BOND.	DATE OF RECORD.
Smith, Richard.....	Collector of Customs, Port of Port Stanley.....	Goodhue, Hon. George J..... Anderson, Alexander.....	£ 1000 500	20th May, 1843	1843
Smith, Richard.....	Collector of Tolls, Port of Kettle Creek Harbour.....	Goodhue, Hon. George J..... Anderson, Alexander.....	500 250	20th June, 1843	1843
Stanton, Robert.....	Collector of Customs, Port of Toronto.....	Strachan, James M..... Cameron, John H.....	1000 500	4th August, 1843	1843
Thierrel, Joseph.....	Bailiff, District Court, Inferior District of Leinster.....	Beaudon, Jean-Baptiste..... Jos. N. Inlet dit Laverdure.....	100	22nd January, 1842	1842
Turgeon, Jacques.....	Bailiff, District Court, Inferior District of Berthier.....	Pelletier, Narcisse..... Cornillier, Narcisse.....	100	31st January, 1842	1842
Tourangeau, Michel.....	Bailiff, District Court, Inferior District of Terrebonne.....	Marteau, Louis..... Piché, Charles.....	100	11th January, 1842	1842
Taylor, Charles.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Moore, John..... Dame, Waldron Hubbard.....	100	18th March, 1842	1842
Taylor, James Finlayson.....	Clerk, Division Court No. 6, Inferior District of Sydenham.....	Wright, Ruggles, Senior..... Anderson, James.....	300	17th January, 1842	1842
Tison, Henry.....	Bailiff, District Court, Inferior District of Two Mountains.....	Marie, Joseph..... Dunn, John.....	100	27th January, 1842	1842
Thomas, Edward Cartwright.....	Sheriff, District of Gore, (Bond).....	Young, John..... Mills, Samuel.....	1000 500	14th March, 1843	1843
Thomas, Edward Cartwright.....	Do do (Covenant).....	Young, John..... Mills, Samuel.....	1000 500	14th March, 1843	1843
Tétu, Jean François.....	Registrar for the District of St. Hyacinthe.....	Young, John..... Mills, Samuel..... Kerr, Archibald..... Tétu, Vital..... Tétu, Charles.....	250 250 250 2000	14th March, 1843	1843

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Vaiquet, Emilien.....	Bailiff, District Court, Inferior District of Terrebonne.....	Paré, Jean..... Delorier, François Legault dit.....	100	15th February, 1842	1842
Vansittart, John George.....	Inspector of Licenses, District of Brock.....	Bettridge, Rev. William..... Vansittart, Henry.....	500 250	7th June, 1843	1843
Wilson, John.....	Inspector of Licenses, District of Gore.....	Willson, Hugh Bowlsby..... Carpenter, John.....	500 250	12th Sept. 1842	1842
Whitcher, Charles William.....	Clerk, Division Court No. 4, District of Sherbrooke.....	Becket, Henry..... Sleeper, Thomas.....	150	11th January, 1842	1842
Weiss, Frederick.....	Clerk, Division Court No. 2, District of Sherbrooke.....	De Tonnancour, Charles A. G..... Low, John.....	150	11th January, 1842	1842
Weare, John.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Thompson, Daniel..... Sleeper, Thomas.....	100	6th January, 1842	1842
Whitcher, Charles William.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Sleeper, Thomas..... Edgell, Levi Allan.....	100	16th March, 1842	1842
Whitford, Richard.....	Do do.....	Beckett, Henry..... Woodward, Albert G.....	100	7th January, 1842	1842
Whitford, Richard.....	Clerk, Division Court No. 4, Inferior District of Sherbrooke.....	Willard, William R..... Woodward, Albert G.....	150	16th March, 1842	1842
Williamson, James.....	Bailiff, District Court, Inferior District of Two Mountains.....	Kains, George..... Williamson, David.....	100	31st January, 1842	1842
Wilson, George.....	Collector of Customs, Sault St. Marie, U. C. ....	Thomson, John..... Dallas, Frederick.....	1000 500	16th Sept. 1843	1843
Young, Andrew, Junior.....	Bailiff, District Court, Inferior District of Sherbrooke.....	Young, Alexander..... Young, James.....	100	14th January, 1842	1842

Provincial Registrar's Office,  
Kingston, 30th September, 1843.

MEMORANDUM.  
194 in former Return.  
163 in the present Statement.  
— 357 total recorded.

R. A. TUCKER,  
Registrar.  
R. A. TUCKER,  
Registrar.

Under the 4 & 5 Vic. Chap. 91, 357 securities have been recorded in the office of the Provincial Registrar; of which 194 were entered in the Return prepared by him on the 7th September, 1842, and the remaining 163 are included in the present Return.

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## RETURN

To AN ADDRESS of the LEGISLATIVE ASSEMBLY, bearing date the 6th October, 1842, praying for information in regard to the several INSTITUTIONS OF EDUCATION in this Province receiving grants of the public money.

Secretary's Office,  
Kingston, 11th October, 1843.

By Command,

D. DALY,  
Secretary.

## LIST OF EDUCATIONAL INSTITUTIONS in LOWER CANADA, receiving Grants for the year 1842.

No. of Return	NAME OF INSTITUTION.	Date of Return.	REMARKS.
1	Seminary of St. Hyacinthe.....	27th April, 1843	
2	Chambly College.....	9th Sept. 1843	
3	St. Anne's College.....	7th February, 1843	
4	L'Assomption College.....	15th March, 1843	
5	Stanstead Seminary.....	14th Feb. 1843	
6	Shefford Academy.....	15th May, 1843	
7	Sherbrooke Academy.....	24th Feb. 1843	
8	Charleston Academy.....	6th March, 1843	
9	Waterloo Grammar School.....	1st Feb. 1843	
10	Berthier Academy.....	10th Feb. 1843	
11	British and Canadian School Society, Montreal.....	11th Feb. 1843	
12	St. Jacques School, Montreal.....	31st Dec. 1842	
13	National and Free School, Montreal.....	11th April, 1843	
14	Recollet School, Montreal.....	— Feb. 1843	
15	Free School, in connection with the American Presbyterian Synod, Montreal.....	21st Jan. 1843	
16	Royal Grammar School, Montreal.....	28th Jan. 1843	
17	Society of Education, District of Quebec.....	4th Feb. 1843	
18	British and Canadian Society School, Quebec.....	1st Sept. 1843	
19	National Schools, Quebec.....	3rd Feb. 1843	
20	St. Andrew's School.....	27th June, 1843	
21	School of Society of Education, Three Rivers.....	28th Feb. 1843	{ School not in operation last year, and grant therefore not paid.
22	School of Royal Institution, Three Rivers.....	19th April, 1843	
23	British North American Society School, Sherbrooke.....	1st Feb. 1843	

## LIST OF EDUCATIONAL INSTITUTIONS in UPPER CANADA, receiving Grants for the year 1842.

No. of Return	NAME OF INSTITUTION.	Date of Return.	REMARKS.
24	Upper Canada College.....		No return.
	Victoria College.....	30th January, 1843	
25	Queen's College.....	6th January, 1843	{ Dr. Liddell has not adhered to the form of Return sent to him, for reasons explained in his Letter.
26	Central School, Toronto.....	24th January, 1843	
27	Eastern District Grammar School, Ottawa do do.....	2nd January, 1843	No return.
	Dalhousie do do.....		{ No return. The Trustees of this School were not appointed until after the Circular was issued.
	Bathurst do do.....		No return.
28	Johnstown do do.....	23rd Dec. 1842	
29	Midland do do.....	20th January, 1843	
30	Victoria do do.....	3rd January, 1843	
31	Prince Edward District Grammar School.....	3rd January, 1843	
32	Newcastle do do.....	10th January, 1843	
33	Colborne do do.....		No return.
	Home do do.....	31st Dec. 1842	
	Simcoe do do.....		{ No return. The Trustees of this School were not appointed until after the Circular was issued.
34	Niagara do do.....	18th January, 1843	
35	Gore do do.....	16th January, 1843	
36	Wellington do do.....	— January, 1843	
	Brock do do.....		No return.
37	Talbot do do.....	30th Dec. 1842	
38	London do do.....	3rd January, 1843	
39	Huron do do.....	10th January, 1843	
40	Western do do.....	31st Dec. 1842	



## MONTREAL AND QUEBEC TURNPIKE ROADS.

RETURN to two Addresses from the LEGISLATIVE ASSEMBLY, bearing date the 10th October, 1842, praying for certain information to be furnished by the TRUSTEES of the MONTREAL and QUEBEC TURNPIKE ROADS.

By Command,

D. DALY,  
Secretary.

Secretary's Office,  
Kingston, 11th October, 1843. }

## SCHEDULE OF ACCOMPANYING PAPERS.

- No. 1.—Report of the Montreal Turnpike Trustees, with enclosures, Nos. 1 to 14, inclusive.
- No. 2.—Account of expense of Macadamizing the St. Michael Road.
- No. 3.—Account of Receipts and Disbursements of the St. Michael Road Company, to 31st December, 1842.
- No. 4.—Statement of Monies received, and disbursements made, by the Trustees of the Quebec Turnpike Roads, from the 1st March, 1841, to 31st December, 1842.
- No. 5.—Statement of Monies disbursed by the Secretary from the 1st March, 1841, to 31st December, 1842.
- No. 6.—Statement of Monies received, and disbursements made, by the Trustees of the Quebec Turnpike Roads, from 1st January, 1842, to 27th March, 1843.
- No. 7.—Interest paid on the Loans effected by the Quebec Turnpike Trustees.

## No. 1.

## Report of the Trustees of the Montreal Turnpike Roads.

The Trustees of the Montreal Turnpike Roads, in obedience to the Resolution of the House of Assembly, and having now accomplished the task laid upon them, originally by the Ordinance 4th Vict., cap. 31, and subsequently by 4th Vict., cap. 7, beg leave to submit to His Excellency, the Governor General, the following Report of their proceedings :

The appointment of the Board took place in the month of June, 1840, and the Members immediately entered upon the duties expected from them.—As usual some time was necessarily consumed in the beginning in making Surveys and other preparations for commencing actively upon the works. But by the end of July, certain portions of all the Roads under their jurisdiction were put under contract, and in the beginning of August the works were fairly commenced.

From the lateness of the season, and the vast quantity of material to be prepared for works of such magnitude, the Trustees did not anticipate that the contractors would be able to complete, before winter, the whole amount given out. But as the supply of hands was good, and the Autumn proved favorable, more was accomplished than at first was expected, so that at the close of the season they found one mile of the Quebec Road was macadamized, the whole of the Victoria Road, about two miles and a half of the St. Catherine's Road, two miles of the St. Laurent Road, and two miles of the Côte des Neiges Road, the distance

from the City bounds through the Tanneries des Rollands, at one end of the Upper Lachine Road, and about two miles at the other end, as well as the mile of Road leading to the Church of St. Michael de Lachine.

Upon the setting in of Winter, the Trustees were in a situation to offer the whole of the remaining portions to Contractors, and as it was of immense advantage to all parties that the material should be got out during Winter, they lost no time in closing the arrangements.

The Trustees hitherto had no difficulty in determining the kind of material of which the roads were to be constructed, because, in the vicinity of every one of them, (with the exception of that leading to Bout de l'Isle,) stone was abundant, and easy of access. But with respect to the Road last mentioned, there were no quarries upon the line below the Long Point Distillery, and those above that did not furnish a material equal in quality to what was to be found elsewhere.

Taking into consideration these two circumstances, and looking also to the nature of the soil—a rich loamy clay, the Trustees determined to construct it of wood. To this resolution they were also induced by considering that they owed it as a duty to the Public to test the efficacy of a material which had come of late years into such repute, and which is so abundant in this country. The Bout de l'Isle Road had not only the disadvantage above stated, as to the supply of stone, but, fortunately, as it runs along the River, through its whole extent, it presented the greatest facilities for a supply of plank.

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Contracts were accordingly entered into for a supply of lumber, to be delivered during the ensuing Summer, sufficient to make the Road from Long Point Distillery to Bout de l'Isle, a distance of about eleven miles.

On the opening of the Season of 1811, the works were commenced, and prosecuted with such vigour that all the Roads were completely finished by November, except about four miles of the one leading to Bout de l'Isle, and also the Tannery Hill, which latter was deferred, to allow the fresh embankment to subside of which the road is made. During the Summer of 1812, the Tannery Hill was finished, and as much of the Plank Road to Bout de l'Isle as can be done conveniently, until the site for the Bridges is finally fixed. During the whole progress of the works, the Trustees have had reason to congratulate themselves, that, although great numbers of men were necessarily congregated together, not one instance of disturbance took place among the men employed; and, only in one instance, was there any attempt made to interfere, in any way, with the people in the vicinity of the lines of Road. The Trustees need only to refer the Report of Mr. Baird, upon the state of the Roads previous to the appointment of the Trustees, to shew the great labour necessary to put them into a sufficient state of repair, and they feel confident there has seldom been executed so great an amount of work in Canada, within so short a space of time, and at an equal expense.

In reviewing their proceedings more in detail, the Trustees deem it necessary to allude, in the first place, to a question referred to them by the Ordinance 4th Vict. cap. 7. viz: the opening of a Road from near the Stone Windmill, at the Eastern end of the Village of the Tanneries, on the Upper Lachine Road, to the front Road of the Côte St. Paul, and thence along the Road to McNaughton's Farm, and thence to the "Petit Village de Lachine," on the Upper Lachine Road, or, instead of opening that line, to continue the present Road to Lachine.

The Executive was pleased to transmit to the Trustees sundry documents in relation to this question, particularly Petitions from the most respectable Merchants in Montreal, in favour of the route by Côte St. Paul.

The Trustees gave to the question all the consideration which its importance demanded, and personally inspected both routes before coming to a decision. They found that whether the one or the other was chosen, a considerable outlay had been effected beyond the assumed point of departure at the Windmill, on the road leading through the Tanneries, and that, by the extension of the jurisdiction of the Trustees to the St. Luc Road, they would be under the necessity of macadamizing in continuation as far as the junction of the two. To do this, would have brought upon the Trustees the expense of repairing the hill between the Tanneries and the St. Luc Road, nearly on the same scale as if the road were to be continued beyond it. They found also that a considerable outlay had been effected from the "Petit Village de Lachine," on the Upper Lachine Road downwards, as far as the Hill Languedoc. These several expenditures would of course be of no avail should the Côte St. Paul Road be chosen, as the portions of road on which they applied, fell out of the line of the proposed new route.

The Trustees had further to consider that, before the question sprang up, contracts had been entered into for macadamizing the whole space from the top of the Languedoc Hill to the junction of the St. Luc Road, before referred to, at a rate much less

than they could expect the same kind of work to be again taken at.

The question of damage, too, was one not to be lightly estimated on the St. Paul Road; and the incidental expenses would be still further increased by the necessity of erecting two bridges for crossing the Canal, while, by retaining the present line, both the questions of damage and of incidental expense was got rid of, as no necessity existed for changing the site of the road.

The Trustees took into view such other circumstances as seemed proper to enter into a decision, of which not the least important was the comparatively small sum of £17,000, placed at their disposal for making fifty miles of road, and they finally resolved to maintain the old line, and to improve the Hill Languedoc as much as possible.

In the next place, the Trustees have to allude to the Road leading to Bout de l'Isle. As the road ran formerly it skirted the edge of a precipitous bank, for the whole of the distance between the Ruisseau Migean and the village of Pointe aux Trembles, being about nine miles. The bank is composed generally of a friable loaming clay, which, in the Spring months, has been so acted upon by the high water, and by the frost, as to have lost fifteen inches on an average every year, during the last thirty years. In the course of this time, the road has gradually receded before the encroachments of the river, so much so, in fact, that at some points it now runs behind houses which it formerly ran in front of. At some places it was so dangerous as to be the subject of apprehension to travellers, and was officially complained of by the Deputy-Post Master General, as unsafe for transporting Her Majesty's Mail.

The Trustees saw that it was impossible for them to plan a road upon the top of such a bank, without first protecting the bank itself; and as this, on account of the expense, was not to be thought of, they had no other alternative than to change the site altogether farther inland. As soon as it became known that this proposal was before the Board, the Trustees received several Memorials and Petitions from some of the Inhabitants, praying that the old line might be continued, and offering what stone might be found on their farms for protecting the bank, and a small sum of money to assist in defraying the expense—equal to £25, for a common sized farm,—a sum totally inadequate for the extra expense of securing the banks had the route not been changed. These offers only proved to the Trustees more convincingly, that the site ought to be changed, for it appeared, even in the opinion of those who deprecated the change the most, that the Trustees could not justify themselves were they to permit it to remain without adequate protection.

The Board did not doubt that the Petitioners considered their offer in money liberal, but as the payments were to be spread over a period of six years, the Trustees could not make the offer of any immediate avail to the Trust. The offer of the stone was accompanied by the condition that no damage was to be done in taking it away, a thing which they have found no person from whose lands they have taken stone, has admitted them to have done. The Trustees are well convinced that, had they accepted the offers made them, they would have done a benefit of great value to the proprietors on the line, both by ridding their lands of superfluous stone, where there was any, and by completely protecting their property from further encroachments by the river. But as the collecting of the stone, alone, would have cost a heavy sum, the lands in the neighbourhood being almost destitute of it;

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and as it was the public interest only that they were bound to consult, they were obliged to decline the offers. They accordingly directed their Engineer to lay out the road as contemplated, according as to him might seem best.

The Trustees herewith transmit, for the information of His Excellency, Statements of expenditure on the various Roads placed under their jurisdiction, and for Salaries of Officers and contingent expenses, and also Statements of receipts at the various Toll Gates established by them; forming together, in detail, a full Statement of all their transactions, and numbered as follows:—

- No. 1.—Account of Expenditure on Lower Lachine Road, from the City limits to 100 yards beyond the Pavilion, and also from the Canal Bridge at Lachine to the Church of St. Michel de Lachine.
- No. 2.—Account of Expenditure on the Pavilion and Tanneries Road, being the cross road from the Pavillion to the Tanneries des Rollands.
- No. 3.—Account of Expenditure on the Upper Lachine Road, from the City limits to 100 yards beyond the Steamboat Landing at Lachine.
- No. 4.—Account of Expenditure on the St. Antoine and St. Luc Road, from the Upper Lachine Road, at the top of the Tannery Hill, to L'Abord-à-Plouffe Road, at Côte des Neiges; and from the City limits, at Côte St. Antoine, to the junction with the above portion.
- No. 5.—Account of Expenditure on the Abord-à-Plouffe Road, from the City limits to Lachapelle's Bridge.

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- No. 6.—Account of Expenditure on the Ste. Catharine Road, from Côte des Neiges to miles end, and thence to Victoria Road, at Petit Côte de la Visitation.
- No. 7.—Account of Expenditure on St. Laurent Road, from City limits to the Village of Sault-au-Récollet.
- No. 8.—Account of Expenditure of Quebec Road.
- No. 9.—Account of Expenditure on the Victoria Road.
- No. 10.—Account of Expenditure upon the Turnpike Roads, during the Winter of 1841 and 1842.
- No. 11.—Account of Expenditure for Salaries, and other expenses.
- No. 12.—General Toll Account, showing the gross receipts of Toll at each Gate, together with the expenses of collection, in detail; the balances forming the credit side; and the payments of interest, the expense of keeping Roads in repair, and the Salaries, forming the debit side.
- No. 13.—An Abstract of the cost of all the Roads from the commencement to the 31st December, 1842.
- No. 14.—A Balance Sheet of the Trust.

All which is respectfully submitted.

BENJ. HOLMES,  
Chairman Turnpike Trust.

Montreal Turnpike Trustees' Office, }  
31st December, 1842. }

(Enclosure No. 1.)

MONTREAL TURNPIKE TRUST.

LOWER LACHINE ROAD.

STATEMENT of Monies expended in making and repairing this Road, from City Limits to 100 yards beyond the Pavilion, from the Canal Bridge to the Church of St. Michel de Lachine, from July, 1840, to 31st December, 1842.

FROM CITY LIMITS TO PAVILION.		£	s.	D.
Sutherland & Burnet, 316½ perches, at 50s.....	£791	5	0	
J. McGregor, 84 perches, at 42s. 6d.....	178	10	0	
Extras.....	15	3	3	
Culverts.....	6	10	0	
	991	8	3	
Compensation, 1840.....	£ 12	0	0	
do 1841.....	54	16	3	
	66	16	3	
SUNDRIES.				
J. Kelly & Co., Toll-house Gates, &c.....	79	19	2	
White, Wait & Co. do Brick.....	138	4	6	
do do 1841.....	17	7	6	
A. Marion, Bridge at Pavillon, 1842.....	5	18	4	
	241	9	6	
	1299	14	0	
Carried forward.....	£	1299	14	0

## LOWER LACHINE ROAD.

## STATEMENT of Monies expended, &amp;c.—(Continued.)

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	£	s.	D.
Brought forward.....	1299	14	0
FROM CANAL BRIDGE TO CHURCH.			
Sutherland & Burnet, 293½ perches, at 27s. 6d.....	£408	11	3
1478 yards earthwork, at 8d.....	49	5	4
8 Culverts.....	36	0	0
Drains.....	12	10	0
Blinding.....	35	0	0
Robert Herron, Toll-house Gates, &c., one-half.....	47	12	3
Proportion of Tools, Printing, &c., 1841.....	583	18	10
Do do do 1842.....	10	7	5
	10	4	7
REPAIRS.			
Metal, 1840.....	£ 40	3	9
Do 1841.....	114	14	0
William Kerr.....	202	1	8
1842.....	7	10	0
	364	9	5
Labor, 1841.....	55	0	2
Do 1842.....	428	9	9
	483	9	11
Less proportion charged to the Pavilion and Tanneries Road.....	210	0	0
	273	9	11
Total Lower Lachine Road.....	£ 2177	14	9

BENJ. HOLMES,  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

MEMORANDUM.—As the same hands were employed on this and the Pavilion and Tanneries Road, it was found difficult to keep the accounts separate.

(Enclosure No. 2.)

## PAVILION AND TANNERIES ROAD.

STATEMENT of Monies expended in making and repairing the Road leading from the Pavilion to the Tanneries des Rollands, from July, 1840, to 31st December, 1842.

	£	s.	D.
PER CONTRACT.			
John McGregor, 790 perches, at 42s. 6d.....	£1678	15	0
4680 yards earth-work at 9d.....	176	0	0
6 culverts.....	30	0	0
Bridge over St. Peter River.....	67	10	0
Sundries extra.....	28	4	8
Proportion of Sundries, Tools, Printing, &c. 1841—42.....	1980	9	8
Compensation, 1841.....	15	10	0
1842.....	8	6	8
	23	16	8
Repairs, 1841.....	6	3	0
From Lower Lachine Road account.....	60	0	0
	66	3	0
Metal for repairs, from Lower Lachine Road account.....	150	0	0
	216	3	0
Total Pavilion and Tanneries Road.....	£ 2230	13	10

BENJ. HOLMES,  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

MEMO.—As the same hands were employed on this and the Lower Lachine Road, it was found difficult to keep the accounts for repairs separate.

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(Enclosure No. 3.)

UPPER LACHINE ROAD.

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STATEMENT of Monies expended in making and repairing this Road, from the City limits to Laflamme's,  
at Lachine, from July, 1840, to 31st December, 1842.

12th October.

	£	s.	d.	
Section 1.—William Kerr from City limits to Tanneries, 442½ perches at 30s.....	£	663	15	0
Section 2.—Tanneries Protection Wall :				
William Kerr, 51½ toises Stone .....	£46	7	0	
A. Marion, Mason work, 115 <sup>10</sup> / <sub>100</sub> .....	59	5	8	
F. Dufresne (1842), and Kerr for lime.....	13	10	0	
Ignace Gamelin, for garde-corps, 1842.....	8	11	3	
	127	13	11	
Tannery Hill : Labor, 1841.....	£629	4	9	
1842.....	347	16	11	
	977	1	8	
Metal, John Carmichael.....	167	6	5	
Culverts, J. Gamelin.....	1	5	0	
	1145	13	1	
Compensation, 1841.....	£72	0	0	
do 1842.....	7	7	6	
	79	7	6	
	1225	0	7	
Sections 3 and 4.—Sutherland and Burnett, 782 perches, at 50s.....	1955	0	0	1352 14 6
William Kerr, 24½ toises stone at 18s.....	22	1	0	
Sutherland and Burnett, 11 single culverts at 90s...	49	10	0	
do 1 double do .....	12	10	0	
A. Marion, 49 <sup>14</sup> / <sub>100</sub> toises masonry.....	25	8	4	
	2064	9	4	
Section 5.—Hill Languedoc :				
Sutherland and Burnett, 1136 feet of culvert, under Hill, at 5s.....	284	0	0	
do 2356 yards embankment, at 7½d...	73	12	6	
do Side culverts and sundries .....	37	8	0	
do 82 prchs. macadamizing, at 37s. 6d. 153 15 0	153	15	0	
J. Gamelin, for garde-corps, 1842.....	3	0	0	
	551	15	6	
Section 6.—L'Africain and Leduc, 273,6 perches, at 35s.....	478	7	9	2616 4 10
do 7 culverts, at 90s.....	31	10	0	
do Sundries, extra.....	66	0	0	
	575	17	9	
Section 7.—Sutherland and Burnett, 525 perches, at 38s. 6d.....	1010	12	6	
do 2080 yards earth-work at 8d.....	69	6	8	
do 94 yards small drains and extras...	27	18	0	
do 1 bridge and 11 culverts.....	163	10	0	
do 101 yards French drains, &c.....	14	6	0	
	1285	13	2	
Compensation, 1840.....	3	10	0	
do 1841.....	2	0	0	
do 1842.....	6	0	0	
Toll House Lot.....	65	0	0	76 10 0
Sundries.—J. Kelly and Co. Wooden Toll House, Gates, &c. at Montreal	79	19	2	
R. Herron, House and Gates at Lachine [half].....	46	12	3	
White, Wait and Co. Brick House at Montreal.....	138	4	6	
do do 1842 .....	10	16	3	
Proportion of Tools, &c. 1841 .....	11	17	5	
do do 1842 .....	27	17	6	
	316	7	1	
Repairs.—Labor, 1840.....	91	9	2	
do 1841.....	268	16	4	
do 1842.....	388	14	0	
	748	19	6	748 19 6
Stone-breaking, 1841.....	173	8	7	
do 1842.....	179	8	10	
William Kerr.....	50	0	0	
Sutherland and Burnett.....	467	14	9	
	1619	11	8	
Total Upper Lachine Road.....	£	8506	14	0

Montreal, 31st December, 1842.

BENJ. HOLMES,  
Chairman Turnpikike Trust.

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(Enclosure No. 4.)

ST. ANTOINE AND ST. LUC ROAD.

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12th October.

STATEMENT of Monies expended in making and repairing this Road, from Côte des Neiges to the Upper Lachine Road, and from the City Limits at Côte St. Antoine, to its junction with the former part, from January, 1841, to 31st December, 1842.

		£	s.	d.
FROM UPPER LACHINE ROAD TO SNOWDEN'S.				
William Kerr, 510½ perches, at 42s. ....	£1072	1	0	
2742 yards earth-work, at 8d. ....	91	8	0	
5 single culverts. ....	22	10	0	
1 double culvert. ....	12	10	0	
Blinding 1399 perches, at 3s. 9d. ....	262	6	3	
				1460 15 3
REMAINDER OF ROAD MADE BY DAY LABOR.				
Quarrying and Cartage, 1841. ....	227	2	6	
Stone-breaking, 1841. ....	598	18	11	
Forming. ....	1000	10	4	
				1826 11 9
Compensation, 1841, 1842. ....				86 15 0
Sundries, J. Kelly & Co., Toll-house, Gates, &c. ....	79	19	2	
For Porch, 1841. ....	3	15	0	
Tools, &c. ....	37	8	0	
Proportion of small accounts, 1841. ....	20	14	10	
Do do 1842. ....	10	4	7	
				152 1 7
Repairs, Stones and Stone-breaking, 1841. ....	52	16	10	
William Kerr. ....	61	9	8	
1842. ....	70	8	3	
				184 14 9
Labor, 1841. ....	84	9	2	
Do 1842. ....	82	19	6	
William Kerr. ....	1	16	0	
Survey. ....	2	0	0	
				355 19 5
<b>Total of St. Antoine and St. Luc Road. ....</b>	<b>£</b>	<b>3882</b>	<b>3</b>	<b>0</b>

BENJ. HOLMES.  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

(Enclosure No. 5.)

LABORD-A-PLOUFFE ROAD.

STATEMENT of Monies expended on this Road, from the City Limits to Lachapelle's Bridge, from July, 1840, to 31st December, 1842.

		£	s.	d.
FROM CITY LIMITS TO FOOT OF THE HILL BEYOND JUNCTION OF STE. CATHERINE ROAD.				
Labor and Material, 1840. ....	£1534	14	0	
Louis Boudrian, for quarrying, 1840. ....	81	14	0	
				1616 8 0
FROM FOOT OF HILL TO LACHAPELLE'S BRIDGE.				
P. Rutherford, 1861 perches, at 50s. ....	4660	0	0	
5460 yards earth-work, at 8d. ....	182	0	0	
1293 perches drains. ....	32	6	6	
3 large bridges. ....	137	5	4	
15 culverts. ....	140	11	6	
Extras. ....	15	12	0	
— Durand, for culvert, 1842, (not in contract). ....	1	10	0	
				5169 5 4
Compensation, 1840. ....	12	19	2	
1841. ....	33	17	6	
1842. ....	13	5	0	
				60 1 8
Sundries.—J. Kelly & Co., wooden Toll-house, Gates, &c. ....	79	19	2	
White, Wait & Co., brick ditto. ....	138	4	6	
T. B. Anderson, House Lot. ....	25	0	0	
Proportion of Tools, Printing, &c., 1840-1. ....	53	10	10	
Do Tools, 1842. ....	10	4	7	
				306 19 1
<b>Carried forward. ....</b>	<b>£</b>	<b>7152</b>	<b>14</b>	<b>1</b>

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## L'ABORD-A-PLOUFFE ROAD.

STATEMENT of Monies expended, &amp;c.—(Continued.)

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12th October.

	£	s.	d.
Brought forward.....	7152	14	1
Repairs, 1840.....	148	5	0
1841.....	226	19	0
1842.....	216	16	1
Metal. 1841.....	14	1	3
1842.....	21	14	0
P. Rutherford, 1841.....	252	18	8
Ditto 1842.....	72	0	0
P. McGlone, 1842.....	302	4	6
	1255	0	0
<b>Total of L'Abord-à-Plouffe Road.....</b>	<b>8407</b>	<b>14</b>	<b>1</b>

BENJ. HOLMES.

Chairman Turnpike Trust.

Montreal. 31st December, 1842.

(Enclosure No. 6.)

## ST. CATHERINE ROAD.

STATEMENT of Monies expended on this Road, from the Victoria Road to the Abord-à-Plouffe Road, at Côte des Neiges, from July, 1840, to 31st December, 1842.

	£	s.	d.
Alexander McIntosh, 522 perches, at 27s. 9d.....	724	5	6
287 do at 24s. 3d.....	347	19	9
803 yards earth-work, at 8d.....	26	15	4
360 yards rock, at 3s. 6d.....	63	0	0
12 culverts, at 90s.....	54	0	0
45 toises stonc, at 30s.....	67	10	0
Sundries, extra.....	22	3	0
P. Rutherford, 1 culvert.....	10	0	0
Spence, 1840.....	13	17	6
	1329	11	1
Compensation, 1840, 1841.....	52	5	0
	1381	16	1
John Sutherland, 536 perches, at 37s. 3d.....	998	6	0
1780 yards rock, at 3s. 6d.....	311	10	0
3070 yards earth-work, at 1s.....	153	10	0
9 single culverts, at 90s.....	40	10	0
1 double do.....	12	10	0
Sundries, extra.....	18	17	6
	1535	3	6
Proportion of Tools, Printing, &c., 1841.....	11	17	5
Do do do 1842.....	25	4	7
Blinding from Côte des Neiges to Mile End. 868 perches, at 6s.....	260	8	0
	3214	9	7
Less 40 toises stone, charged to J. Sutherland, at 30s.....	60	0	0
	3154	9	7
Repairs.—Labor, 1840.....	30	17	9
1841.....	268	2	1
1842.....	128	18	6
	427	18	4
Metal.—A. McIntosh, 1841.....	242	10	0
William Kerr, 1842.....	107	0	0
	777	8	4
<b>Total St. Catherine Road.....</b>	<b>3931</b>	<b>17</b>	<b>11</b>

BENJ. HOLMES,

Chairman Turnpike Trust.

Montréal, 31st December, 1842.

(Enclosure No. 7.)

ST. LAURENT ROAD.

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12th October. STATEMENT of Monies expended on this Road, from City limits to the village of Sault-au-Recollet, from July, 1840, to 31st December, 1842. 12th October.

FROM CITY LIMITS TO CLARK'S COTTAGE.		£	s.	d.
P. Rutherford, 762 perches, at 39s. 6d.	£1504 19 0			
779 yards earth-work, at 9d.	29 4 3			
588 perches drain, at 6d.	14 14 0			
Extras.	2 15 0			
		1551	12	3
FROM CLARK'S TO SAULT-AU-RECOLLET.				
P. Rutherford, 1488½ perches, at 50s.	3721 5 0			
4831 yards earth-work, at 8d.	161 0 8			
620 perches drain.	15 10 0			
		3897	15	8
P. Rutherford, 6 single culverts, 182 feet, 2 by 2, at 5s. 6d.	50 1 0			
2 do do 58½ " 3 by 3, at 7s. 6d.	21 15 0			
1 do do 29 " 2 by 1½, at 5s. 6d.	7 19 6			
2 double do 60 " 2 by 3, at 12s. 6d.	37 10 0			
2 do do 70 " 3 by 3, at 12s. 6d.	43 7 6			
		160	13	0
Compensation, 1842.		28	10	0
Proportion of Tools, Printing, &c. 1841.		12	13	7
do do do 1842.		20	4	7
J. Kelly and Co. Wooden Toll House, Gates, &c.	79 19 2			
White, Wait and Co. Brick do	138 4 6			
Sundries, 1841, 1842.	11 13 9			
		229	17	5
Repairs.—1840.	17 11 9			
1841.	259 17 5			
1842.	291 1 11			
Metal.—P. Rutherford, 1841	401 2 0			
do 1842	201 9 0			
Alexander McIntosh	285 13 6			
—Hughes	16 5 0			
Fencing.	2 19 0			
		1475	19	7
<b>Total St. Laurent Road.</b>		<b>£ 7377</b>	<b>6</b>	<b>1</b>

BENJ. HOLMES,  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

(Enclosure No. 8.)

QUEBEC ROAD.

STATEMENT of Monies expended in making and repairing the Quebec Road, leading to Bout de l'Isle from City Limits, from July, 1840, to 31st December, 1843.

Section 1st.—320 perches of macadamizing, as per contract, with Wm. Kerr, at 44s.		£	s.	d.
For culverts, 1840.	21 7 6			
For masons, 1841.	7 12 2			
		732	19	8
Section 2nd.—Preparing and laying on metal, as per contract with Frs. McNamee, 352 perches, at 42s. 6d.				
For 25 feet cover to drains.	0 6 3			
Extras	5 0 0			
For formation, (done by Trustees,) 1841.	£ 275 19 1			
Do do 1842.	20 6 9			
		296	5	10
BRIDGE AT RUISSEAU MIGEON.				
Robert Smith, for Cedars, 1841.	19 11 8			
—Rochon, for drawing.	1 4 2			
Guilbault & Gallipot.	22 16 0			
Dufresne, Lime.	11 5 0			
D. Cameron, 24½ toises stone.	33 13 9			
		88	10	7
		1208	2	8
<b>Carried forward.</b>		<b>£ 1941</b>	<b>2</b>	<b>4</b>



## QUEBEC ROAD.

## STATEMENT of Monies expended, &amp;c.—(Continued.)

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12th October.

	£	s.	d.
Brought forward.....	1941	2	4
LONG POINT BRIDGE.			
R. Smith, for Cedars, 1841.....	£ 19	11	8
Dufresne, for Lime.....	18	5	0
A. Marion, Mason.....	40	6	9
Do do 1842.....	7	13	9
F. McNamee, 41 toises of stone.....	56	7	6
D. Cameron, 20 do do.....	27	10	0
	169	14	8
PLANK ROAD.			
Thomas Heaven, 490,559 feet hemlock plank, 16 feet long, 3 inches thick, at 87s. 6d. per 1000 feet.....	2146	2	11
35,000 do do do at 70s.....	91	17	6
20,786 do do do 1559 pieces at 75s. per 100 pieces.....	58	2	6
54,680 do pine plank, do at 102s. per 1000 feet	328	2	0
144,108 do tamarac scantling, 16 feet long, 6 by 4 inches, at 120s. do.....	864	12	9
6,966 do do do at 102s. do ...	35	10	9
S. W. Woodward, 415,508 do hemlock plank, do 3 inches thick, at 87s. 6d. do.....	1817	16	3
T. C. Colborne, 209,605 do tamarac scantling do 6 by 4 inches, at 120s. do.....	1257	12	6
J. Hantson, for floats, 1842.....	42	2	5
T. C. Colborne, half cost of culling.....	49	7	11
R. Smith, for Cedars, 1841.....	13	15	6
	6714	9	0
Less, on S. Woodward's 17s. 6d. per 1000, on 219,000..	£ 191	12	6
T. C. Colborne, 'extra cartage.....	8	7	0
T. Heaven.....	8	3	2
	208	2	8
	6506	6	4
Spikes.—Forsyth, Richardson & Co., 17 tons.....	439	6	4
Cuvillier & Sons, 1½ tons.....	27	7	6
T. Peck, 2¾ tons.....	54	0	0
	520	13	10
Cartage, Alexander Curry, 1841, 1842.....	380	12	3
Formation, 1841.....	1372	16	9
1842.....	866	8	0
	2239	4	9
William Kerr, Masonry at Bridge at Laporte's.....	40	15	0
	9687	12	2
Ploughing from Ruisseau Migeon to Pointe aux Trembles, 1840.....	55	8	0
Surveying, 1840.....	63	16	0
Compensation, 1840, 1841, 1842.....	1070	17	
LONG POINT WHARF.			
For Material.....	170	2	10
For Labor.....	370	19	8
	541	2	6
Wooden Toll-house, Gates, &c. to J. Kelly & Co.....	79	19	2
Brick Toll-house, to White, Wait & Co.....	138	4	6
Sundries, Fencing, &c., 1842.....	12	3	10
	230	7	6
Proportion of Sundry Accounts, 1840-1.....	20	14	8
Proportion of Tools, Printing, &c. 1840-1.....	36	3	5
Do do 1842.....	28	4	7
Repairs, 1840, 1841, 1842.....	239	10	3
F. McNamee, metal for repairs.....	372	7	0
D. Cameron. do do.....	14	2	6
	625	19	9
Total Quebec Road.....	£ 14471	2	11

BENJ. HOLMES,  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

MEMO.—The deduction of £191 12s. 6d. is made from the price of the Lumber furnished by Mr. Woodward, because he failed in supplying the plank according to contract, and chiefly because the Trustees were not satisfied that he had used due exertion to fulfil his engagements with them. The difference of price exacted is stipulated for in the contract.

(Enclosure No. 9.)

## VICTORIA ROAD.

Appendix  
(N.)Appendix  
(N.)

12th October. STATEMENT of Monies expended in making and repairing the Victoria Road, from July, 1840, to 31st December, 1842. 12th October.

	£	s.	d.
Peter Rutherford (per contract) 367½ perches, at 47s. 6d. ....	£872	16	3
1757 yards earth-work, at 9d. ....	65	17	9
426 perches drain. ....	10	13	0
5 culverts, 150 feet, 2 by 2, at 5s. 6d..	41	5	0
Extra Metal. ....	45	0	0
		1035	12 0
J. Kelly and Co. Wooden Toll-house, Gates, &c. ....		79	19 2
Proportion of Sundries, Tools, Printing, &c. in 1841. ....		11	3 4
do do do do in 1842. ....		14	4 7
Repairs.—1841 and 1842. ....	116	11	3
Metal for Repairs.—P. Rutherford. ....	126	0	0
William Kerr. ....	82	18	0
George Smart, 1841. ....	6	8	4
		331	17 7
Total Victoria Road. ....	£	1472	16 8

BENJ. HOLMES.  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

(Enclosure No. 10.)

## WINTER ROADS.

STATEMENT of Monies expended in keeping in repair, during the winter of 1841-42, the undermentioned Turnpike Roads, up to 31st December, 1842.

	£	s.	d.
1 Upper Lachine Road .....	Robert Broodie. ....	33	5 0
2 Quebec Road .....	Pay Lists. ....	76	11 6
3 L'Abord-à-Plouffe Road. ....	Alex. Munro and Pay Lists.	52	12 0
4 St. Laurent Road. ....	Muir and Allan. ....	42	0 0
5 Ste. Catherine Road. ....	Carrol and Neil. ....	21	0 0
6 Victoria Road. ....	do .....	6	10 0
7 Lower Lachine Road. ....	Ryan and Spellinan. ....	7	10 0
8 Pavilion and Tanneries Road. ....	do .....	7	10 0
9 Lower Lachine Road, from Canal Bridge to Church, at Lachine. ....		1	5 0
10 St. Antoine and St. Luc. ....	Michael Burke. ....	21	5 0
Total winter Roads. ....	£	269	8 6

BENJ. HOLMES.  
Chairman Turnpike Trust.

Montreal, 31st December, 1842.

(Enclosure No. 11.)

MONTREAL TURNPIKE TRUST, Expense account for June, 1840, to 31st December, 1842.

	£	s.	d.
Jas. M. Ferres, from 1st July, 1840, at £300 per annum, as Secretary and Treasurer,		750	0 0
Jas. Rigney, Chief Overseer, Salary from 6th July, 1840, to 6th March, 1842,			
at £250 per annum. ....	£416	13	4
For services prior to yearly engagement. ....	9	0	0
For gratuity allowed by Trustees. ....	50	0	0
		475	13 4
Hy. G. Thompson, Assist. Overseer, from 1st Augt. 1840, to 30th July, 1841, £125	0	0	
from 1st Augt. 1841, to 30th July, 1842, 187	10	0	
from 1st to 20th August, 1842. ....	7	10	0
		320	0 0
Carried forward. ....	£	1545	13 4

## MONTREAL TURNPIKE TRUST, Expense Account, &amp;c.—(Continued.)

Appendix (N.) 12th October.				Appendix (N.) 12th October.	
		£	s.	D.	
Brought forward.....		£	1545	13	4
Walter Shanley, Assistant Overseer, from 1st January, 1841, to 6th April, 1842, at £125 per annum.....			158	6	8
William Youle, Overseer, from 23d April, 1841, to 30th April, 1842, at 7s. per day.....		£112	0	0	
Allowance for a horse.....		13	0	0	
From 21st May to 31st December, 1842, at £125 per annum....		83	6	8	
			208	6	8
Total for Salaries, from June, 1840, to date.....			1912	6	8
James Somerville, for services, 99 days, as arbitrator at sundry times, from July, 1840, to 31st December, 1842.....			99	0	0
Sundries.—Notarial expenses, opinions, and other law expenses, 1840-1-2, £136 2 8					
Office Rent, July, 1840, to 31st December, 1842.....		47	10	0	
Stationary, Books, &c. for office and 8 Toll-houses, 1840-1-2,.....		59	12	7	
Furniture.....		23	17	3	
Insurance on wooden and brick Toll Houses, (£650 and £230).....		9	18	9	
Fuel, Candles, &c. 1840-1-2.....		21	4	8	
Caleche hire, 1840-1-2.....		18	17	7	
			317	3	6
Less, transferred, charged to Alex. McIntosh, as proportion of Notarial expenses of contracts and sundries.....		14	9	3	
			302	14	3
Total.....		£	2314	0	11

Montreal, 31st December, 1842.

BENJ. HOLMES,  
Chairman Turnpike Trust.

## (Enclosure No. 12.)

## GENERAL TOLL ACCOUNT, from July, 1840, to 31st December, 1842.

ST. LAURENT GATE.		£	s.	D.	
Tolls collected, from 22nd June to 31st December, 1841.....		£1030	3	1	
from 1st January to 31st December, 1842.....		2114	6	5	
			3144	9	6
Less, M. Murphy, Gate-keeper, Salary to 30th April, 1842. £55 0 0		55	0	0	
to 31st Dec. 1842, at £75. 50 0 0		50	0	0	
James Gray, Assistant (occasional) 1841-2.....		19	3	0	
E. Flinn, do.....		6	12	0	
For Toll-boards and lamps, oil, &c., 1841-2.....		10	14	6	
Printing tickets, 1841-2.....		7	10	0	
			148	19	6
			2095	10	0
QUEBEC GATE.					
Tolls collected, from 19th June to 31st December, 1841.....		816	16	10	
from 1st January to 31st December, 1842.....		1700	11	3	
			2517	8	1
Commutation for Horse-boat, 1841.....		100	0	0	
			2617	8	1
Less, J. McDonald, Gate-keeper, Salary to 30th April, 1842 55 0 0		55	0	0	
to 31st Dec. 1842, at £75. 50 0 0		50	0	0	
For Toll-boards, lamps, oil, &c. 1841-2.....		10	13	0	
Printing tickets, 1841-2.....		7	10	0	
			123	3	0
			2449	5	1
UPPER LACHINE GATE.					
Tolls collected, from 22nd June to 31st December, 1841.....		731	11	4	
from 1st January to 31st December, 1842.....		1057	9	0	
Upper Canada Stage.....		112	10	0	
Huntingdon Stage.....		10	0	0	
			1911	10	4
Less, Jas. Quinn, Gate-keeper, Salary to 30th April, 1842 55 0 0		55	0	0	
to 31st Dec. 1842, at £75. 50 0 0		50	0	0	
For toll-boards, lamps, oil, &c. 1841-2.....		10	0	4	
Printing tickets, 1841-2.....		6	0	0	
			121	0	4
			1790	10	0
Carried forward.....		£	7235	5	1

## GENERAL TOLL ACCOUNT, &amp;c.—(Continued.)

Appendix  
(N.)

12th October.

Appendix  
(N.)

12th October.

		£	s.	d.		
Brought forward.....		£	7235	5	1	
LACHINE GATE.						
Tolls collected, from 19th August, to 31st December, 1841.....		288	15	0		
from 1st January to 31st December, 1842.....		501	0	6		
		786	15	6		
Less, T. Henderson, Gate-keeper, Sal. to 30th April, 1842.	50 0 0					
	to 31st Dec. 1842, at £60.	40 0 0				
Toll-boards, lamps, oil, &c. 1841-2.....	12 8 2					
Printing tickets, 1841-2.....	5 5 0					
		107	13	2		
		679	2	4		
CÔTE DES NEIGES GATE.						
Tolls collected, from 19th June to 31st December, 1842.....		500	8	0		
from 1st January to 31st December, 1842.....		957	6	4		
		1457	14	4		
Less, P. Fitzpatrick, Gate-keeper, Sal. to 30th April, 1842.	50 0 0					
	to 31st Dec. 1842, at £60.	40 0 0				
Toll-boards, lamps, oil, &c. 1841-2.....	11 19 0					
Printing tickets.....	7 10 0					
		109	9	0		
		1348	5	4		
ST. ANTOINE GATE.						
Tolls collected, from 30th June to 31st December, 1841.....		91	2	5		
from 1st January to 31st December, 1842.....		142	7	9		
		233	10	2		
Less, W. Donaldson, Gate-keeper, Sal. to 30th April, 1842.	45 0 0					
	to 31st Dec. 1842.	33 6 8				
Toll-boards, lamps, oil, &c. 1841-2.....	10 13 0					
		88	19	8		
		144	10	6		
LOWER LACHINE GATE.						
Tolls collected, from 19th August to 31st December, 1841.....		85	4	5		
from 1st January to 31st December, 1842.....		216	16	6		
		302	0	11		
Less, J. Summons, Gate-keeper, Saly. to 30th April, 1842.	45 0 0					
	to 31st Dec. 1842, at £50.	33 6 5				
Toll-boards, lamps, oil, &c. 1841-2.....	12 1 10					
		90	8	6		
		211	12	5		
VICTORIA GATE.						
Tolls collected, from 30th June to 31st December, 1841.....		118	11	0		
from 1st January to 31st December, 1842.....		74	4	8		
		192	15	8		
Less, Geo. Grant, Gate-keeper, Salary to 30th April, 1842.	45 0 0					
	to 31st Dec. 1842, at £60.	40 0 0				
Shed. and plastering Toll-house.....	6 16 0					
Toll-boards, lamps, oil, &c. 1841-2.....	10 13 0					
Printing.....	3 0 0					
		105	9	0		
		87	6	8		
ST. MICHEL GATE.						
Tolls, proportion collected for Trustees.....		144	3	1		
Less, Printing.....	5 18 9					
		138	4	4		
		225	11	0		
Total Balances from Gates.....		£	9889	6	8	
Broken stone sold, William Kerr.....			160	0	0	
Total Cr.....		£	10049	6	8	

Appendix (N.) 12th October.		Dr.	£	s.	D.	Appendix (N.) 12th October.
Interest paid as at 5th January, 1841.....			445	5	11	
5th July, 1841.....			1322	4	8	
5th January, 1842.....			1457	1	6	
5th July, 1842.....			1679	17	2	
Total of 4 half years' Interest.....		£	4904	9	3	
Winter Roads, as per Account.....			269	8	6	
Salaries and Contingencies, per Account.....			2314	0	11	
Balance to Turnpike Roads, applied in diminution of "Abstract cost of Works" as per Account sent.....			2561	8	0	
Total Dr.....		£	10049	6	8	

The St. Michel Gate is established by the St. Michel Road Company and the Trustees mutually. The Tolls are collected by the Victoria Gate-keeper, and divided proportionally between the Company and Trustees.

Montreal, 31st December, 1842.

BENJ. HOLMES,  
Chairman Turnpike Trust.

Enclosure No. 13.

ABSTRACT COST of Roads, from July, 1840, to 31st December, 1842.

	COST.			REPAIRS.			TOTAL.		
	£	s.	D.	£	s.	D.	£	s.	D.
St. Antoine and St. Luc.....	3526	3	7	355	19	5	3882	3	0
Pavilion and Tanneries.....	2014	10	10	216	3	0	2230	13	10
Lower Lachine.....	1904	4	10	273	9	11	2177	14	9
St. Laurent.....	5901	6	6	1475	19	7	7377	6	1
Ste. Catherine.....	3154	9	7	777	8	4	3931	17	11
L'Abord-à-Plouffe.....	7152	14	1	1255	0	0	8407	14	1
Victoria.....	1140	19	1	331	17	7	1472	16	8
Upper Lachine.....	6887	2	1	1619	11	8	8506	14	0
Quebec.....	13845	7	2	625	19	9	14471	2	11
Total.....	£52458 3 3								
Deduct balance of general Toll account, being balance of Tolls received to date.....							2561 8 0		
Total expended on Roads.....	£49896 15 3								

Montreal, 31st December, 1842.

BENJ. HOLMES,  
Chairman Turnpike Trust.

(Enclosure No. 14.)

DR. BALANCE SHEET of the Montreal Turnpike Trust, 31st December, 1841. CR.

DR.	£	s.	D.	CR.	£	s.	D.
Turnpike Roads.....	49896	15	3	Debentures.....	47000	0	0
J. R. McLeish.....	62	10	0	Montreal Bank.....	813	18	10
Bout de l'Isle Bridges.....	165	4	8	Robert Brodie.....	18	5	0
Cash.....	3	9	10	Thomas Heaven.....	6	1	7
				Peter Rutherford.....	69	17	11
				Sutherland & Burnet.....	57	7	8
				John McGregor.....	83	19	8
				Receiver General.....	1769	7	11
				Francis McNamee.....	5	5	9
				John Sutherland.....	97	4	6
				White, Wait & Co.....	30	3	0
				J. M. Ferres.....	44	6	8
				William Kerr.....	0	3	7
				Cuvillier & Sons.....	27	7	6
				Thomas Peck.....	54	0	0
				George Grant.....	20	0	0
				J. B. Anderson.....	25	0	0
				Olivier Lacroix.....	5	10	2
	£50127	19	9		£50127	19	9

Montreal, 31st December, 1842.

BENJ. HOLMES,  
Chairman Turnpike Trust.



No. 3.—Account of Receipts and Disbursements of the St. Michel Road Company, for the year ending 31st December, 1842 :—Ordinance 4 Victoria, cap. 22.

Appendix  
(N.)

12th October.

Appendix  
(N.)

12th October.

RECEIPTS.		£	s.	d.
Interest allowed by Bank on Deposits.....		1	2	6
Tolls collected at the Turnpike Gate.....		470	17	10
Amount due for Tickets received from Travellers who had paid Toll at the St. Laurent Gate of the Montreal Turnpike Trust, and passed through the St. Michel Gate without paying again.....		78	19	0
<b>Total Receipts.....</b>	<b>£</b>	<b>550</b>	<b>19</b>	<b>4</b>
DISBURSEMENTS.		£	s.	d.
Gate-keeper, Printing, &c.....		34	6	3
Montreal Turnpike Trustees, for proportion of Tolls collected.....	£144 3 1			
Do proportion for Tickets credited above, retained by them.....	41 6 5			
		185	9	6
Paid for 740½ loads of Metal.....		63	19	0
Paid for Labour.....		25	0	6
Paid Clerk for Services.....		12	10	0
Paid sundries.....		7	18	6
Paid for Labour on Winter Road, 1841-2.....		19	2	6
Dividends:—John Dods.....	£74 13 8			
John Drummond.....	38 6 0			
John Molson.....	19 3 0			
James Scott.....	19 3 0			
Archibald Ogilvie.....	9 11 6			
William Snaith.....	9 11 6			
John Hanton.....	9 11 6			
Alexander Ogilvie.....	7 13 2			
James Jeffrey.....	3 16 7			
		191	9	11
<b>Total Disbursements.....</b>	<b>£</b>	<b>539</b>	<b>16</b>	<b>2</b>
<b>Balance in hand.....</b>	<b>£</b>	<b>11</b>	<b>3</b>	<b>2</b>

I certify that the foregoing Statement is correct.

JOHN DODS, President.

Montreal, 31st December, 1842.

QUEBEC TURNPIKE TRUST.

No. 4.—GENERAL ACCOUNT of Monies received and disbursements made by the Trustees of the Quebec Turnpike Roads, from 1st March, 1841, to 31st December, 1842, inclusive:—authorized by the Ordinance, 4 Vict. cap. 17.

	£	s.	d.
To paid labourers' wages on Beauport Road, as per pay lists, Nos. 1 to 23, £1594 6 1			
To paid do do do do Nos. 1 to 30, 246 17 1			
	1841	3	2
To paid J. Spark, for a tool chest, and for sundry repairs to tools.....	6	10	1
To paid Patrick Ryley, for breaking stones on the Beauport Road.....	8	16	0
To paid John McMahon, do do do do.....	1	10	0
To paid Simon Parant, for stone for the Beauport Road.....	4	1	0
To paid do do do do do.....	618	19	6
To paid do do do do do... £352 18 0			
Less amount still due to him.....	154	13	4
	198	5	0
To paid do maintaining Winter Road to Beauport in 1841-2, 2½ miles, at £24 per mile.....	66	0	0
	883	4	6
To paid R. Hopper, one year's rent of a lot of ground on the Beauport Road, leased for deposit of stone.....	3	0	0
To paid labourers wages on the St. Charles Road, South, as per Pay Lists, Nos 1 to 19.	938	15	10
To paid Olivier Moffet, for stone for the St. Charles Road, South.....	2704	7	6
To paid A. Dérusselle, for stone for do.....	62	2	6
To paid G. Garneau, for timber for bridges.....	52	13	10
To paid J. Giroux, for repairing tools.....	0	16	0
To paid J. Hamel, for repairing toll gate on the St. Charles Road.....	0	14	6
<b>Carried forward.....</b>	<b>£</b>	<b>6509</b>	<b>14 11</b>

## QUEBEC TURNPIKE TRUST.

## GENERAL ACCOUNT of Monies received and disbursements made, &amp;c.—(Continued.)

		£	s.	d.		
Brought forward.....		6509	14	11		
To paid J. Laperrière, for three days' attendance at Scott's Bridge.....		0	7	6		
To paid A. Bignouette, for 250 loads of sand, for the St. Charles Road, South.....		1	0	10		
To paid Perrault and Scott, amount of fine imposed for cutting ice near Scott's Bridge.....		1	7	6		
To paid W. Hall, for maintaining the St. Charles Road during the winters of 1841-2, 3 miles, at £19 per mile.....		57	0	0		
To paid labourers wages on the Cove Road, as per Pay Lists, Nos. 1 to 25, 787- 7 8						
To paid do do do do 1 to 20, 476 9 11		1263	17	7		
To paid J. Cairns, for bateau carriage of 1150 Deals from Point Levi for the Cove Road		2	10	0		
To paid Peter Clark, do for sand for the Cove Road.....		4	0	0		
To paid J. Smith, for caulking the Toll-house on the Cove Road.....		0	17	6		
To paid E. H. Hale, for 62 floats for the Cove Road.....		1	11	0		
To paid W. Sheppard & Co. for timber.....		22	2	5		
To paid J. Greenleaf, for floats.....		3	1	2		
To paid Burstall & Co. for deals.....		430	12	7		
To paid A. Gilmour & Co. for floats and timber.....		6	13	5		
To paid J. Bonner, do do.....		2	13	6		
To paid W. Henry, do do.....		18	14	0		
To paid W. Petry & Co. do do.....		6	6	11		
To paid Anderson & Paradis, do do.....		10	2	0		
To paid Calvin, Cook & Co. do do.....		26	19	3		
To paid Pemberton Brothers, for deals.....		23	13	2		
To paid J. Shaw & Co. for spikes and Tools.....		272	1	10		
To paid W. Phillips, for deals.....		25	17	6		
To paid Thomas Heaven & Co. for hemlock plank.....		1004	7	6		
To paid J. Bonner, for a lot of ground for a Toll-house on the Cove Road, according to the award of a Jury.....		266	18	3		
To paid Perrault & Scott, their bill in the above case.....		5	2	6		
To paid W. French, for maintaining the Cove Road during the winter, 1841-2, 3 miles, 2 chains, at £12 10s. per mile.....	41 11 3					
Less. balance still due to him.....	21 11 3					
		17	0	0		
To paid labourers wages on the St. Foy Road, as pr. Pay Lists Nos. 1 to 26, 1435 9 0						
To paid do do do do Nos. 1 to 15, 217 15 5		1653	4	5		
To paid W. Buchanan, for 2 loads of lime for a bridge on the St. Foy Road.....		0	16	3		
To paid J. Puguet, for stone.....		2	5	0		
To paid A. Routier, on account of a year's rent of ground leased on St. Foy Road for deposit of stone.....		1	5	0		
To paid J. McCormick, for ground rent of stone, &c. as per account.....		10	12	6		
To paid J. Berthiaume, one year's rent of ground leased on St. Foy Road for deposit of stone.....		2	10	0		
To paid W. Meck, for stone for the St. Foy Road.....	1600 4 9					
To paid do do do for interest on balance of acct. 3 10 0		1603	14	9		
To paid C. G. Stewart, for putting up a fence.....		9	7	6		
To paid Jean Maingay, do do.....		2	19	4		
To paid A. Lortie, for maintaining the winter Road to St. Foy, in 1841-2, 4 miles, 33 chains at £15 10s. per mile.....		68	7	10		
To paid Prothonotary for copy of Procès-verbal of the Suède Road.....		1	11	9		
To paid J. French, for cartage of hemlock plank from Cove to Suède Road.....		13	13	0		
To paid A. Larue, for drawing plan and survey of new line for the Suède Road.....		4	2	6		
To paid do for survey of the Suède Road, and drawing plan.....		3	14	9		
To paid J. West, on account of culverts built on the Suède Road.....		22	0	0		
To paid labourers wages on the Suède Road, as per Pay Lists, Nos. 1 to 18.....		267	12	9		
To paid P. Laberge, for 6 perches 246 feet of land, to widen Suède Road, at £30 per acre.....	2 0 7					
To paid P. Robitaille, for 35 " 276 " do do do do 10 15 0						
To paid L. Plamondon, for 12 " do do do do 3 12 0						
To paid A. Gauthier, } for 52 " 72 " do do do do 8 6 8						
To paid B. Robitaille, } do do do do 7 6 8						
To paid J. Plamondon, for 20 " 270 " do do do do 6 5 0						
		38	5	11		
To paid labourers wages on the St. Lewis Rd. as pr. Pay Lists Nos. 1 to 27, 2165 16 7						
To paid do do do do Nos. 1 to 17, 187 4 4		2353	0	11		
To paid W. Buchanan, expenses surveying the Carouge Hill.....		1	7	6		
To paid C. Belleau, for boards.....		2	5	0		
To paid C. Wakeham, for carting broken stone to the Plains.....		5	15	0		
To paid C. Belleau, for stone for the St. Lewis and St. Foy Roads.....		1144	7	6		
To paid Benjamin Tremain, for stone for the St. Lewis Road.....		2643	7	1		
Carried forward.....		19838	19	2		

Appendix (N.)

12th October.



QUEBEC TURNPIKE TRUST.

GENERAL ACCOUNT of Monies received and disbursements made, &c.—(Continued.)

Appendix (N.)

Appendix (N.)

12th October.

12th October.

	£	s.	d.
Brought forward.....	19838	19	2
To paid Benjamin Tremain. Interest on balance of account.....	28	5	4
To paid Thomas Early for stone.....	1	17	6
To paid J. Hamel, for surveying the line of the Grande Allée.....	5	16	6
To paid A. P. Mathieu, for building a bridge over McNider's brook.....	58	17	10
To paid J. Paquet, for maintain. winter Rd. to Carouge, in 1841-2, 4 mls. at £12 10s. p. m.	50	0	0
To paid Samuel Hough, for office rent.....	17	10	0
To paid F. Moore, for building Toll-houses, as per account.....	410	11	11
To paid Charles Bouchard, for hammers.....	0	12	0
To paid T. Tweddel, for hammers, as per account.....	12	13	10
To paid Thomas Cary & Co.....	36	9	1
To paid J. Spark, for wheel-barrows.....	22	16	0
To paid J. Gingras, for plumb bevels and lines.....	0	17	6
To paid William Neilson, for advertizing.....	8	17	7
To paid Thomas Heaven, for office rent to 1st November, 1841.....	8	15	0
To paid Fréchette & Co. for advertizing.....	6	13	3
To paid William Dunn, for office furniture.....	37	8	8
To paid J. Archer, for boxes for measuring stones.....	1	16	0
To paid P. Gagnon, for bevel and plumb lines.....	0	11	3
To paid F. X. Méthot, for lamps for Toll-houses.....	2	4	0
To paid H. S. Scott, for 100 eye protectors for the stone breakers.....	3	2	6
To paid C. E. Levey & Co. for coal tar for the Carouge Bridge.....	7	10	0
To paid Charles Turgeon, for boards for.. do.....	7	0	0
To paid P. Veres, for knecs for..... do.....	3	0	0
To paid P. Decheneau, for do for..... do.....	0	10	0
To paid P. Clash, bateau hire conveying tar and boards to Cap-Rouge.....	1	18	0
To paid S. Sousin, Blacksmith's account.....	3	13	8
To paid P. Gingras, for work done on the Cap-Rouge bridge.....	£14	6	0
To paid do for allowance for repairs to Toll-house at Cap-Rouge.....	10	0	0
	24	6	0
To paid do Toll Collector at Cap-Rouge bridge. Salary to 30th April, 1842, commencing 9th May, 1841, at £22 per annum....	21	8	4
To paid do do do from 1st May to 31st Oct. last.....	11	0	0
	32	8	4
To paid J. Houghton, Blacksmith's account.....	68	17	10
To paid James Gibb & Co. Interest on money loaned, say, 17 days on £350 at 6 pr. cent.	6	14	3
To paid C. Gethings, do do 3 months on £100 at do.....	1	10	0
To paid J. Spash, for a wheel-barrow.....	0	19	0
To paid P. Pichet, do.....	0	10	0
To paid L. Voyer, do.....	0	15	0
To paid R. Walsh, Laborer employed by W. Buchanan, to measure roads.....	1	10	0
To paid H. Finning, for repairing tools.....	0	12	11
To paid Parkhil & Hill, as per account.....	0	7	6
To paid A. Parrott, do.....	0	6	6
To paid J. Sewell, rent of a box at Post Office, to 1st May, 1842.....	0	7	6
To paid labourers' wages on the St. Charles Road, north, as per Pay Lists, Nos. 1 to 19..	273	2	11
To paid William Meek, for stone for the St. Charles Road, north.....	500	0	0
To paid S. Loughran, for watering road opposite the race course during the races....	2	0	0
To paid labourers' wages on the Kilmarnock Road, as per Pay Lists, Nos. 1 to 11....	99	19	7
To paid J. Houghton, Blacksmith, on account of work.....	17	10	0
To paid J. G. Clapham, Notary.....	14	18	7
To paid Benjamin Tremain, for stone, as per account.....	£2717	7	3
To paid do less balance still due to him.....	17	7	3
	2700	0	0
To paid T. Mardeau, for a lot of ground for Toll house on St. Charles Road, 50 0 0			
To paid do one year's interest on the same.....	3	0	0
	53	0	0
To paid C. Lagueux, as per account.....	2	17	6
To paid Bigaouette, a year's rt. of a lot of ground on St. Charles rd. leas. for depot. of stone	2	0	0
To paid J. O'Brien, do do do do do do do do	2	10	0
To paid Robert Reid, Toll Collector at Cove Gate, Salary to 30th April, 1842, commencing 1st September, 1841, at £47 10s. per annum, £31 11 2			
To paid do on account of the current year.....	20	17	6
	52	8	8
To paid W. Munday, Toll Collector at St. Lewis Gate. Salary to 30th April, 1842, commencing 5th November, 1841, at £47 10s. p. ann. 23 2 0			
To paid do on account of the current year.....	20	17	6
	43	19	6
To paid John Murray, Toll Collector at Beauport Gate, Salary to 30th April, 1842, commencing 25th September, 1841, at £47 10s. p. an. 28 8 9			
To paid do on account of the current year.....	15	17	6
	44	6	3
Carried forward.....	£	24526	4 4

Appendix  
(N.)  
12th October.

## QUEBEC TURNPIKE TRUST.

GENERAL ACCOUNT of Monies received, and Disbursements made, &amp;c.—(Continued.)

Appendix  
(N.)  
12th October.

				£	s.	d.
		Brought forward .....		£		
To paid Robert Bruce, Collector at St. Foy Gate, Salary to 30th April, 1842, commencing 7th October, 1841, at £47 10s. per annum.....				27	14	11
To paid James Wilson, Collector at St. Foy Gate, Salary on account of the current year.....				19	17	6
To paid Olivier Moffet, Collector at St. Charles Gate, Salary to 30th April, 1842, commencing 25th September, 1841, at £47 10s. p. an... 28 8 9				28	8	9
To paid do on account of the current year..... 23 15 0				23	15	0
				52	3	9
To paid C. C. Fitzpatrick, attending office from 1st March, 1841, to 30th April, 1842..				7	7	6
To paid Louis Hamel, do from 1st May, 1842, to 31st Dec'r 1842.....				5	0	0
To paid the Engineer, one year's Salary to 8th March, 1842.....				250	0	0
To paid the Secretary, one year and two months Salary to 30th April, 1842.....				350	0	0
To paid the Secretary's Salary, from 1st May to 31st December, 1842.....				200	0	0
To paid for copies of Procès-verbaux of Suède and Kilmarnock Roads.....				0	19	9
To paid J. Sewell, for one year's rent of letter box at Post Office, to the 1st May, 1843.				0	7	6
To paid sundry contingent expenses, from 1st March, 1841, to 31st December, 1842....				40	5	2
To balance due from John Bonner.....				33	1	9
				£25513	2	2
1841.		Cr.				
April	24....	By amount loaned from the Bank of Montreal, redeemable in one year, borrowed on certificate, at 6 per cent .....		5000	0	0
June	1....	By	do from the City Bank, do 1 do do do..	3000	0	0
August	21....	By	do do do 1 do do do..	3000	0	0
October	12....	By	do do do 1 do do do..	500	0	0
"	16....	By	do do do 1 do do do..	500	0	0
"	23....	By	do do do 1 do do do..	500	0	0
August	6....	By	do from John Walters, do 1 do do do..	100	0	0
October	6....	By	do from Michael Chambers, do 1 do do do..	200	0	0
1842.						
January	14....	By	do from William Meek, do 1 do do do..	100	0	0
"	14....	By	do from Rev. Thos. McGuire, do 2 do do do..	1500	0	0
"	21....	By	do from Oliver Moffet, do 1 do do do..	500	0	0
"	21....	By	do from Benjamin Tremain, do 5 do do do..	600	0	0
"	21....	By	do from William Meek, do 1 do do do..	100	0	0
Feb'y	24....	By	do from John Shaw, do 1 do do do..	100	0	0
"	25....	By	do from Quebec Bank, do 3 months, do do..	2000	0	0
March	1....	By	do from Benjamin Tremain, do 5 years, do do..	600	0	0
May	1....	By	do from Benjamin Tremain, do 5 do do do..	600	0	0
"	5....	By	do from John Bonner, do 6 months, do do..	300	0	0
July	14....	By	do from Benjamin Tremain, do 5 years, do do..	200	0	0
August	16....	By	do from Thomas Heaven, do 1 year, do do..	1000	0	0
"	18....	By	do from William Meek, do 5 years, do do..	100	0	0
"	27....	By	do from William Meek, do 5 do do do..	200	0	0
October	3....	By	do from Benjamin Tremain, do 5 do do do..	100	0	0
"	3....	By	do from William Meek, do 5 do do do..	100	0	0
"	29....	By	do from William Meek, do 5 do do do..	100	0	0
July	1....	By	do Benjamin Tremain, do 5 do do do..	600	0	0
		By Tolls collected at Cap Rouge Bridge, from 1st May, 1841, to 30th April, 1842.....		£	56	19 8
		By do do from 1st May, 1842, to 31st December, 1842 .....		41	7	5
				98	7	1
		By do at St. Lewis Gate, from 5th November, 1841, to 30th April, 1842 .....		£	144	4 9
		By do do from 1st May to 31st December, 1842 .....		340	10	7
				484	15	4
		By do at St. Foy Gate, from 7th October, 1841, to 30th April, 1842 .....		£	288	9 10
		By do do from 1st May to 31st December, 1842 .....		561	13	0
				850	2	10
		By do at St. Charles' Gate, from 25th Sept'r, 1841, to 30th April, 1842 .....		£	392	9 1
		By do do from 1st May to 31st December, 1842 .....		731	16	8
				1124	5	9
Carried forward .....				£24157	11	0

## QUEBEC TURNPIKE TRUST.

## GENERAL ACCOUNT of Monies received and Disbursements made, &amp;c.—(Continued.)

Appendix  
(N.)  
12th October.Appendix  
(N.)  
12th October.

		£	s.	D.
1842.	By Brought forward.....	£		
	do at Cove Gate, from 2nd September, 1841, to 30th April, 1842.....	254	7	8
	By do do from 1st May, to 31st December, 1842.....	482	14	7
			687	2
	By do at Beauport Gate, from 25th September, 1841, to 30th April, 1842.....	165	11	1
	By do do from 1st May to 31st December, 1842.....	360	7	2
			525	18
	By cash received for hammers.....		7	19
	By amount of Fine levied upon Mieux for an assault upon John Murray, Toll Collector, at the Beauport Gate.....		1	0
	By cash received from John French.....		47	10
	By cash received from the City Bank.....		24	8
	By cash received for a wheel-barrow.....		0	19
	By Balance at the credit of cash.....		60	13
	Total.....	£	25513	2

JOHN PORTER, Secretary.

Quebec, 31st December, 1842.

## No. 5.—DETAILED STATEMENT of Monies disbursed by the Secretary, from 1st March, 1841, to 31st December, 1842.

		£	s.	D.	
1841.	March 10....	To paid postage of letter to J. B. Forsyth with copy of Official Gazette	0	1	11½
	" 10....	To paid postage of letter from J. M. Ferres	0	0	9
	" 23....	To paid " " from J. F. McDonald	0	0	9
	" 30....	To paid for a table brush	0	3	6
	April 8....	To paid for tacks, 4d.; matches, 5½d.	0	0	9½
	" 10....	To paid postage of letter from J. Cary	0	0	9
	" 10....	To paid " " from J. F. McDonald	0	0	9
	" 15....	To paid for gum arabic	0	0	6
	" 21....	To paid postage of letter from J. M. Ferres	0	0	9
	" 26....	To paid " " " "	0	0	9
	" 26....	To paid for firewood	0	11	3
	" 26....	To paid for a drawing board for Engineer	0	7	6
	May 22....	To paid for removing office furniture to the Lower Town	0	7	6
	" 29....	To paid cartage of tools to Cove Road	0	1	0
	" 31....	To paid " " to St. Foy and Beauport	0	8	3
	" 31....	To paid putting up a letter box with lock	0	5	6
	" 31....	To paid postage of a letter from T. Heaven	0	0	9
	" 31....	To paid for an office broom	0	1	3
	June 9....	To paid cartage of tools to Beauport	0	2	3
	" 12....	To paid do do	0	2	6
	" 16....	To paid do do	0	2	3
	" 22....	To paid do do	0	3	0
	" 30....	To paid caleche hire visiting roads	0	17	6
	July 10....	To paid mending window in office	0	0	10
	" 10....	To paid caleche hire	0	2	6
	" 27....	To paid cartage of tools to Cove and St. Lewis Road	0	5	0
	August 6....	To paid cartage two loads spikes to Cove Road	0	5	0
	" 6....	To paid caleche hire to Cove Road	0	5	0
	" 6....	To paid do for A. Simpson	0	2	6
	" 6....	To paid do for F. Moore	0	5	0
	" 10....	To paid do visiting roads	0	7	0
	" 10....	To paid do do	0	5	0
	" 10....	To paid for candles	0	1	4
	" 21....	To paid for candlestick and snuffers	0	1	6
	" 25....	To paid cartage of tools to St. Lewis Road	0	3	0
	" 25....	To paid caleche hire to Cove Road	0	10	0
		Carried forward.....	£	6	15

DETAILED STATEMENT of Monies disbursed by the Secretary, &c.—(Continued.)

Appendix (N.)				Appendix (N.)	
12th October.				12th October.	
	1811.	Brought forward.....		£	6 15 5
August	27....	To paid cartage of tools to Beauport.....		0	3 2
"	28....	To paid caleche hire to Cove Road.....		0	2 6
"	31....	To paid postage of letter to T. Heaven.....		0	0 9
Septem.	3....	To paid candles, 1s.; carting tools, 3s. 6d.....		0	4 6
"	8....	To paid W. C. Buchanan, caleche hire.....		0	3 9
"	10....	To paid postage of letter from J. M. Ferres.....		0	1 6
"	11....	To paid caleche hire, account of Jos. Hamel.....		0	15 0
"	21....	To paid for cleaning office.....		0	2 6
"	21....	To paid for candles.....		0	1 0
"	21....	To paid for caleche hire to Cove Road.....		0	2 6
"	22....	To paid do to St. Foy Road.....		0	3 9
"	25....	To paid do visiting toll-houses.....		0	3 9
"	28....	To paid do do.....		0	3 9
"	30....	To paid do do.....		0	4 3
October	4....	To paid for fire bricks.....		0	2 4
"	4....	To paid caleche hire to Cove Road.....		0	5 0
"	6....	To paid postage of letter from J. M. Ferres.....		0	0 9
"	6....	To paid for candles.....		0	0 6
"	9....	To paid for firewood, sawing, &c.....		0	9 11
"	9....	To paid postage of a letter from J. M. Ferres.....		0	0 9
"	9....	To paid caleche hire, visiting toll-houses.....		0	5 8
"	11....	To paid do do.....		0	2 6
"	12....	To paid do do.....		0	4 5
"	12....	To paid putting up stove in office, pipes, &c.....		0	12 6
"	12....	To paid caleche hire, Cove Road.....		0	5 0
"	16....	To paid do visiting toll-houses.....		0	5 8
"	23....	To paid do do.....		0	4 8
"	28....	To paid for canvass bags.....		0	2 4
"	29....	To paid postage of letter from J. M. Ferres.....		0	0 9
"	29....	To paid caleche hire.....		0	2 10
"	30....	To paid do.....		0	4 8
"	30....	To paid for firewood, sawing, &c.....		0	8 9
Novem.	6....	To paid caleche hire.....		0	4 8
"	12....	To paid do.....		0	4 8
"	20....	To paid do.....		0	4 8
"	27....	To paid do.....		0	4 8
"	27....	To paid for a key for stove pipe.....		0	2 0
"	30....	To paid postage of letter from T. Heaven.....		0	0 10
Decem.	4....	To paid cariole hire.....		0	3 10
"	4....	To paid for firewood.....		0	5 9
"	11....	To paid cariole hire.....		0	3 9
"	18....	To paid do.....		0	3 9
"	22....	To paid for firewood.....		0	4 6
"	27....	To paid cariole hire.....		0	3 9
"	31....	To paid do.....		0	5 0
"	31....	To paid for firewood and candles.....		0	5 3
	1812.				
January	8....	To paid cariole hire.....		0	3 6
"	14....	To paid do.....		0	1 0
"	14....	To paid for firewood.....		0	8 5
"	15....	To paid cariole hire.....		0	3 6
"	17....	To paid do.....		0	1 8
"	20....	To paid do.....		0	3 0
"	22....	To paid for firewood.....		0	8 9
"	22....	To paid cariole hire.....		0	3 6
"	29....	To paid do.....		0	3 6
"	29....	To paid for an almanack.....		0	0 4
February	2....	To paid postage of a letter from Kingston.....		0	4 7
"	5....	To paid cariole hire.....		0	3 6
"	12....	To paid do.....		0	3 6
"	15....	To paid for firewood.....		0	8 8
"	20....	To paid postage of a letter from Mr. Quiblier.....		0	0 9
"	21....	To paid cariole hire.....		0	3 6
"	21....	To paid do.....		0	3 0
"	25....	To paid do.....		0	3 6
March	5....	To paid do.....		0	3 6
"	7....	To paid do.....		0	4 6
"	12....	To paid for firewood.....		0	8 5
"	12....	To paid cariole hire.....		0	3 6
"	19....	To paid do.....		0	3 6
"	21....	To paid postage of a letter from T. Heaven.....		0	0 9
"	21....	To paid cariole hire.....		0	5 0
"	26....	To paid do.....		0	3 6
Carried forward.....				£	21 5 0

Appendix  
(N.)

DETAILED STATEMENT of Monies disbursed by the Secretary, &c.—(Continued.)

Appendix  
(N.)

12th October.

12th October.

1842.			Brought forward.....£	£	s.	D.
March	28	To paid	cariole hire.....	0	4	6
"	30	To paid	do.....	0	2	6
"	31	To paid	do.....	0	4	0
April	2	To paid	do.....	0	3	6
"	5	To paid	do.....	0	3	0
"	6	To paid	do.....	0	3	6
"	8	To paid	do.....	0	2	6
"	9	To paid	do.....	0	3	6
"	11	To paid	do.....	0	2	6
"	14	To paid	do.....	0	3	0
"	14	To paid	for firewood.....	0	4	0
"	16	To paid	cariole hire.....	0	3	6
"	18	To paid	do.....	0	2	6
"	20	To paid	do.....	0	2	6
"	23	To paid	caleche hire.....	0	3	6
"	26	To paid	do.....	0	2	6
"	30	To paid	do.....	0	3	0
May	2	To paid	do.....	0	2	6
"	4	To paid	do.....	0	3	0
"	7	To paid	do.....	0	2	6
"	9	To paid	do.....	0	3	6
"	9	To paid	for mending blinds.....	0	3	6
"	11	To paid	caleche hire.....	0	5	3
"	14	To paid	do.....	0	3	0
"	16	To paid	do.....	0	5	0
"	18	To paid	do.....	0	2	6
"	19	To paid	do.....	0	2	6
"	21	To paid	do.....	0	5	0
"	21	To paid	do.....	0	3	6
"	23	To paid	for a pair of compasses.....	0	1	3
"	24	To paid	postage of letter from J. M. Ferres.....	0	0	9
"	24	To paid	caleche hire.....	0	3	6
"	26	To paid	do.....	0	2	6
"	28	To paid	do.....	0	3	6
June	1	To paid	do.....	0	4	8
"	1	To paid	do.....	0	2	6
"	2	To paid	do.....	0	4	8
"	4	To paid	do.....	0	2	6
"	6	To paid	do.....	0	3	6
"	9	To paid	do.....	0	2	6
"	10	To paid	do.....	0	2	6
"	15	To paid	do.....	0	3	6
"	11	To paid	do.....	0	3	0
"	13	To paid	do.....	0	2	6
"	14	To paid	do.....	0	4	0
"	17	To paid	do.....	0	4	6
"	21	To paid	do.....	0	4	6
"	23	To paid	do.....	0	2	6
"	25	To paid	do.....	0	4	6
"	27	To paid	do.....	0	3	6
"	28	To paid	do.....	0	2	6
"	29	To paid	do.....	0	3	6
July	1	To paid	do.....	0	2	6
"	2	To paid	do.....	0	3	6
"	4	To paid	do.....	0	2	6
"	6	To paid	do.....	0	3	0
"	8	To paid	do.....	0	2	6
"	9	To paid	do.....	0	5	8
"	11	To paid	do.....	0	3	6
"	13	To paid	do.....	0	2	6
"	16	To paid	do.....	0	5	0
"	18	To paid	do.....	0	4	9
"	23	To paid	do.....	0	5	0
"	25	To paid	do.....	0	2	6
"	27	To paid	do.....	0	3	0
"	29	To paid	do.....	0	3	6
August	1	To paid	postage of letter from Kingston.....	0	2	4
"	1	To paid	caleche hire.....	0	5	8
"	2	To paid	do.....	0	4	0
"	6	To paid	do.....	0	4	6
"	8	To paid	do.....	0	3	1
"	10	To paid	do.....	0	2	6
"	13	To paid	do.....	0	4	6
Carried forward.....£				33	9	7

DETAILED STATEMENT of Monies disbursed by the Secretary, &c.—(Continued.)

Appendix (N.)		1843.		Appendix (N.)	
12th October.				12th October.	
			Brought forward.....	£	33 9 7
August	15....	To paid	calèche hire.....		0 2 6
"	20....	To paid	do .....		0 4 0
"	22....	To paid	do .....		0 2 6
"	27....	To paid	do .....		0 4 8
Sept'r.	2....	To paid	do .....		0 2 6
"	3....	To paid	do .....		0 3 6
"	7....	To paid	do .....		0 1 3
"	8....	To paid	do .....		0 7 6
"	9....	To paid	do .....		0 3 6
"	10....	To paid	for mending windows in office.....		0 2 9
"	17....	To paid	calèche hire.....		0 4 0
"	19....	To paid	do .....		0 7 6
October	1....	To paid	for firewood.....		0 5 6
"	1....	To paid	postage of letter from W. R. Antrobus.....		0 1 6
"	18....	To paid	calèche hire.....		0 5 0
"	20....	To paid	do .....		0 4 6
Nov'r.	3....	To paid	do .....		0 4 0
"	4....	To paid	for firewood.....		0 6 5
"	4....	To paid	calèche hire.....		0 3 6
"	4....	To paid	do .....		0 5 0
"	4....	To paid	do .....		0 2 6
"	20....	To paid	for firewood.....		0 5 6
Dec'r.	2....	To paid	carriole hire.....		0 3 0
"	3....	To paid	do .....		0 3 9
"	6....	To paid	do .....		0 4 6
"	7....	To paid	for firewood.....		0 4 6
"	10....	To paid	carriole hire.....		0 2 6
"	20....	To paid	do .....		0 3 3
"	20....	To paid	for firewood.....		0 7 3
"	22....	To paid	carriole hire.....		0 2 6
"	24....	To paid	do .....		0 2 6
"	28....	To paid	do .....		0 2 6
"	31....	To paid	for firewood.....		0 9 9
				£	40 5 2

Received Payment.

JOHN PORTER, Secretary.

Quebec, 31st December, 1842.

No. 6.—GENERAL ACCOUNT of Monies received and disbursements made by the Trustees of the Quebec Turnpike Roads, from 1st January, 1842, to 27th March, 1843, inclusive.

DR.	£ s. d.	1842.	CR.	£ s. d.	
To paid amount of Interest on Loan, authorized by the Ordinance 4th Victoria, cap. 17, as per statement, with vouchers ..	1530 17 2	January 1....	By amount of His Exc'y. the Governor General's warrant.....	400 19 7	
To balance in hand to meet the payment of unclaimed Interest, as stated below.....	27 3 3	July 1....	By do do do ..	524 6 5	
		1843.	January 1....	By do do do ..	632 14 5
	£ 1558 0 5			£ 1558 0 5	

Statement of Interest unpaid to 1st January, 1843, on Loan authorized by the Ordinance 4 Vic. cap. 17.

Debenture No. 29, for £100, from 1st July, 1842, to 1st January, 1843, six months, at 6 per cent.....	£ 3 0 0
" No. 82 to 91, £1000 from 16th August, 1842, to 1st January, 1843, 138 days at 6 per cent.....	22 13 8
" No. 95, for £100, from 3rd October, 1842, to 1st January, 1843, 90 days at 6 per cent.....	1 9 7
	<u>£27 2 3</u>

JOHN PORTER, Secretary.

Quebec, 31st March, 1843.

Appendix (N.) No. 7.—STATEMENT of Interest paid by the Trustees of the QUEBEC TURNPIKE ROADS, on Road Loan, authorized by the Ordinance 4 Vict. Cap. 17. Appendix (N.)

12th October.		DATES.	Numbers of Vouchers.	TO WHOM PAID.	Numbers of Certificates.	Amount of Certificates.	Rate of Interest per cent.	TIME.		Amount of Interest.	Total Amount.	12th October.	
								Mos.	Days.			£ s. d.	
<b>1842.</b>													
<i>Interest paid to 1st Jan. 1842.</i>													
January	24...	1	Daniel McCallum	21 to 25	2500	6		133		54 13 2			
"	"	2	do	32	500	6		81		6 13 2			
"	"	3	do	34	500	6		77		6 6 7			
"	"	4	do	37	500	6		70		5 15 1			
"	"	5	W. B. Valteau	13 to 18	3000	6	7			105 0 0			
"	"	6	Alexander Simpson	1 to 10	5000	6	8			205 15 0			
July	11...	8	Michael Chambers	30 and 31	200	6		106		3 9 5			
September	13...	18	William Stevenson	27	500	6		133		10 18 8			
November	9...	19	John Watters	29	100	6		148		2 8 6			
					12800							400 19 7	
<i>Interest paid to 1st July, 1842.</i>													
July	4...	7	Mrs. Daniel Murphy	46 and 47	200	6		161		5 5 11			
"	11...	9	Michael Chambers	30 and 31	200	6	6			6 0 0			
"	21...	10	Rev. Thomas McGuire	39 to 41	1500	6		168		41 8 6			
"	27...	11	Alexander Simpson	1 to 10	5000	6	6			150 0 0			
"	28...	12	W. B. Valteau	13 to 18	3000	6	6			90 0 0			
"	"	13	Daniel McCallum	21 to 25, 32, 34, 37	4000	6	6			120 0 0			
"	30...	14	William Walker, Junior	{ 43 and 48 59 to 64	200 600	6		161		5 5 10			
August	2...	15	Olivier Moffet	42, 49 to 52	500	6		122		12 0 8			
"	4...	16	Noah Freer	{ 44 and 45 55 to 58 65 to 70	200 2000 600	6		161		5 5 10			
"	"	17	Henry Temple	54	100	6		127		2 1 9			
September	13...	18	William Stevenson	27	500	6	6			15 0 0			
November	9...	19	John Watters	29	100	6	6			3 0 0			
December	31...	21	John French	38	100	6		168		2 15 3			
<b>1843.</b>													
January	13...	23	Noah Freer	71 to 73	300	6		57		2 16 3			
"	23...	32	John Craig	53	100	6		161		2 12 11			
					19200							524 6 5	
<i>Interest paid to 1st Jan. 1843.</i>													
December	31...	20	Michael Chambers	30 and 31	200	6	6			6 0 0			
January	13...	22	Alexander Simpson	1 to 10	5000	6	6			150 0 0			
"	"	23	Noah Freer	{ 55 to 58 71 to 73 44 and 45 65 to 70 78 and 79	3300	6	6			99 0 0			
"	"	24	Daniel McCallum	{ 21 to 25 32, 34, 37	4000	6	6			120 0 0			
"	"	25	W. B. Valteau	13 to 18	3000	6	6			90 0 0			
"	"	26	D. McDougal	{ 74 to 77 80 and 81 92 93 and 94 96 97	400 200 100 200 100 100	6		171		5 12 5			
"	"	27	Rev. Thomas McGuire	39 to 41	1500	6		136		2 4 8			
"	"	28	William Walker, Junior	43, 48, 59 to 64	800	6		127		4 3 6			
"	"	29	Olivier Moffet	42, 49 to 52	500	6		90		1 9 7			
"	16...	30	John French	38	100	6		64		1 1 0			
"	21...	31	Henry Temple	54	100	6				45 0 0			
"	23...	32	John Craig	53	100	6				24 0 0			
February	28...	33	William Stevenson	27	500	6				15 0 0			
March	27...	34	G. E. Humphrey	46 and 47	200	6				6 0 0			
					20400							605 11 2	
											£1530 17 2		

JOHN PORTER,  
Secretary.

Quebec, 31st March, 1843.

## RETURN

To AN ADDRESS from the HOUSE OF ASSEMBLY, dated 5th October, 1843, praying for "Copies of all Despatches and Communications with the Home Government, relating to the Canada Corn Law and British Possessions Act, since the 2nd March, 1842."

## SCHEDULE.

14th April, 1842.—No. 80.—Sir Charles Bagot to Lord Stanley.

28th April, 1842.—No. 93.—The same to the same.

29th May, 1842.—No. 153.—Lord Stanley to Sir Charles Bagot.

30th April, 1842.—No. 138.—The same to the same.

17th May, 1842.—No. 149.—The same to the same.

The above five Despatches, having been laid before the House of Assembly on the 24th September, 1842, are here omitted.

17th August, 1842.—No. 227.—Copy of Despatch from Lord Stanley to Sir Charles Bagot.  
(British Possessions Act.)

27th January, 1843.—No. 19.—Extracts from Despatch from Sir Charles Bagot to Lord Stanley. (Canada Wheat Bill.)

1st Feb'y, 1843.—No. 320.—Copy of Despatch from Lord Stanley to Sir C. Bagot. (Ditto.)

21th Feb'y, 1843.—No. 35.—Extract of Despatch from Sir C. Bagot to Lord Stanley. (Ditto.)

2nd March, 1843.—No. 330.—Copy of Despatch from Lord Stanley to Sir C. Bagot. (Ditto.)

20th March, 1843.—No. 43.—Copy of Despatch from Sir C. Bagot to Lord Stanley. (Ditto.)

18th July, 1843.—No. 65.—Copy of Despatch from Lord Stanley to Sir C. Metcalfe. (Ditto.)

A copy of this last Despatch has already been laid before the House of Assembly during its present Session.

RAWSON W. RAWSON.

Kingston, 11th October, 1843.

*Copy of Despatch from Lord Stanley to Sir Chs. Bagot.*

(Copy) No. 227.

DOWNING-STREET,  
17th August, 1842.

SIR,

I transmit to you herewith an Act of Parliament, 5 & 6 Victoria, cap. 49, which received the assent of the Crown on the 16th ultimo, entitled, "An Act to amend the Laws for the Regulation of the Trade of the British Possessions abroad," and I have to request that you will take the first opportunity of communicating copies of this Act to the Provincial Legislature of Canada.

Her Majesty's Government having undertaken, soon after their accession to office, the revision of the Laws by which the Commerce of the United Kingdom is governed, felt it to be their duty to

consider with equal care, the regulations bearing upon the trade of the Colonies; and having in view the experience which has now been obtained, of the Legislation promoted by the late Mr. Huskisson, and some of his successors in office, and being satisfied with its results, their object has been to give fuller effect to the spirit in which that Legislation was conceived. They have applied themselves, therefore, to remove restrictions upon Colonial Industry, to bring the provisions of the Imperial Law more and more into accordance with the spirit of the Declaratory Act of 1778, and to afford new practical recognitions of the principle of equality and impartiality in the dealings of the Imperial Legislature with the Colonial Possessions of the Crown.

The Act now sent to you is the fruit of these endeavours, and I trust that the Legislature, and the Inhabitants of Canada will find in it enactments calculated to be of essential advantage to their commerce, and to afford them relief, as consumers of imported goods.



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I do not propose to recapitulate the substance of the Act, in all its provisions, but I wish to call your attention, in the first place, to the repeal of the duties under the Acts 4 Geo. 3, cap. 15; 6 Geo. 3, cap. 52; 14 Geo. 3, cap. 88, on pimento, molasses, wines and spirits, respectively.

I trust that in the repeal of these duties, the Legislature will perceive and appreciate the desire of Her Majesty's Government to maintain the principle of the Declaratory Act already alluded to, and to confine the enactments of the Imperial Legislature, even as respects the imposition of import duties, within the narrowest limits which are compatible with the due regulation of the commercial interests of the Empire at large. I am desirous also, to bring under your notice, a comparison of the table of prohibitions, duties, and exemptions, in the 4th and 7th sections, with those of the Possessions Act, applying to the like articles.

You will observe, that the *ad valorem* duties on foreign glass and silk manufactures, are reduced from 20 and 30 per cent, respectively, to 15 per cent; those on foreign linen, leather and paper manufactures, and on clocks and watches, from 30 to 7 per cent; those on foreign cotton manufactures, tobacco and soap, from 20 to 7 per cent; and those on unenumerated articles, from 15 to 4 per cent; whilst salt fish, of foreign taking or curing, instead of being prohibited, is admitted at a duty of 2s. per cwt.; foreign oil, blubber, fins and skins, also prohibited under the previous Act, are admitted on a duty of 15 per cent *ad valorem*; cocoa, that was charged 5s. per cwt., is admitted at 1s.; and the prohibitions and restrictions which were applied to the importation of tea, otherwise than from the United Kingdom, or from British Possessions, or under certain specified conditions, are exchanged for a duty of 1d. per lb.

Her Majesty's Government are sensible that objections may be raised, in Canada and New-Brunswick, to the provisions of this Act, in reference to the important article of foreign lumber, as tending to injure them in supplying the West Indies with one of their staple exports; Her Majesty's Government earnestly trust that such may not be the unfavorable result of the recent Legislation. Having regard to the fact that the United States are themselves compelled to resort largely to the British Provinces for a supply of wood, it is not hazarding too much to state, that the exemption of foreign lumber from duty, does not appear likely to injure the British North American Trade in this article with the West Indies. The duties of 5s. per barrel upon foreign wheat flour, and 12s. per cwt. on foreign salted or cured meat, which were imposed by the Possessions Act, were attended with this peculiarity, that they did not extend to Canada, where wheat flour and salted provisions were altogether exempt from duty. The object of granting this exemption to Canada, was to draw this species of produce from the North Western States of the Union down the River St. Lawrence to the Atlantic. But these articles being imported into Canada, not for her own consumption, but for re-exportation to the West Indies, and other Colonial Markets, the effect was to give Canada the benefit of a transit trade at the expense of those Colonies. These duties are now reduced to 2s. per barrel, in the case of wheat flour, and to 3s. per cwt. in the case of meat; and to correct the unfair operation of the Law which I have described, the reduced duties are extended to Canada equally with other Colonies, whilst at the same time, in the new measures for the regulation of the trade of the United Kingdom, important advantages have been given to the salted provisions of Canada, in the markets at home, which it is hoped will fully counterbalance any supposed disadvantages arising from the other change.

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Her Majesty's Government desire to observe that under the 37th and 38th clauses of the British Possessions Act, 3 and 4 Will. 4, cap. 59, which are unrepealed by the Act of this Session, any articles may be entered at any frontier port of Canada, without payment of duty, and may be delivered to be passed on to one of the Warehousing Ports, under bond, for the due arrival and warehousing of such goods at such port. The existing exemptions would relieve parties from the observance of these regulations, and from any charges attending their fulfilment in respect to the articles to which they apply. Her Majesty's Government, however, question whether these exemptions ought not to be extended to other articles besides flour and salt meat, and they think that if the St. Lawrence is really to compete with the Erie Canal, the freedom which it offers should extend to all articles embraced by the export trade of the Agricultural States of the West, and not merely to a selection from any of them.

If, therefore, it should appear of more importance to the inhabitants of Canada, to retain, or to receive and extend, the power of transmitting the produce of the United States without the restrictions of the bond now required, down the St. Lawrence, than to enjoy the privilege of exporting their own produce to other British Colonies, with such advantage as the differential duties imposed under the new Act may afford them, Her Majesty's Government have no desire to place the Commerce of Canada, by Imperial Legislation, under restrictions, further than as they are required by a due regard to the equal rights of the inhabitants of the other possessions of the Crown; and therefore they would readily consider the expediency of proposing to Parliament to remove the duties now laid on the introduction of flour, salted meat, and any other article of Agricultural produce into Canada; at the same time, however, placing the same articles, when exported from Canada to other Colonies, upon the footing, with respect to duty, of foreign produce, at the Custom Houses of those Colonies, and requiring proof of their Canadian origin, as a condition of their privileged admission into this Country.

Her Majesty's Government are most willing, independently of the suggestion which has been just made, to entertain any plan for giving further facilities to the transit of the produce of the United States, by way of the St. Lawrence, in case it should be considered that a system of branding packages, or any other mode would be more simple and satisfactory, for the purposes of commerce, than a compliance with the provisions of the present Law.

It is necessary that I should here advert, on the part of Her Majesty's Government, to the state of the duties on the importation of refined sugar into Canada, as they will stand under the new Law, and the Act passed by the Provincial Legislature, in its last Session for consolidating the duties on customs.

This latter Act imposed a duty of 2d. per lb., on all refined sugar imported into the Province, the effect of which will be to absorb altogether the impost laid by the Possessions Act of the 3 & 4 Will. 4, upon foreign refined sugar, and to place it upon an equal footing with sugar refined in England.

The present Law imposes a duty of 10 per cent *ad valorem*, which would probably be rated at 4d. per lb. on sugar refined in bond in England, when exported to the Colonies, and a duty of 20 per cent *ad valorem* on all foreign refined sugar, and these duties are to be charged over and above any duty which may be leviable on the article, by Colonial Act, irrespective of its origin.

The effect, therefore, of the enactment will be to give to the English refiner in bond, a *bond fide* ad-

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vantage in the Canadian Market of  $\frac{1}{2}$ d. per lb. over his foreign competitor, by the mode of addition to the Colonial duty, which would probably raise it to the amount of  $2\frac{1}{2}$ d. and 3d. per lb., in the two cases respectively.

Under these circumstances it appears to Her Majesty's Government to be a question for the Provincial Legislature to consider whether these duties may not be greater than it may be desirable to place on the article, and if that should be their view, they may probably be disposed to reduce the Colonial duty on all refined sugar from 2d. to a smaller sum.

Her Majesty's Government further wish that the attention of the Legislature should be directed, at its approaching meeting, to the Law respecting the importation of tea, as they are under the impression that it will be found advisable, with a view to the prevention of contraband trade, to make a reduction of the duty of 3d. per lb. now payable under the Provincial Act. An additional duty of 1d. on teas not imported from China into the United Kingdom, is chargeable under the new Law; but Her Majesty's Government are apprehensive that a charge so high as 4d. per lb. upon an article so portable, will prevent the advantage which, among others, it is hoped to realize by the change now proposed, in putting a stop to the illicit introduction of tea, along the Canadian Frontier, from the United States.

From a general review of the provisions of the Act which I am considering, it will be seen that the attention of Her Majesty's Government and Parliament has been directed, not only to the relaxation of restrictions, but also to the removal of such indulgencies and exemptions, in favor of some Colonies, as rendered the Law unjust in its bearings upon others.

But whilst Her Majesty's Government have been anxious to correct every thing that was unequal in the operation of the Law, and to do what in them lay to relieve the Colonists from burthensome imposts, they are aware that considerations, apart from any obligations imposed by Act of Parliament, may make it in some instances impossible for the Colonies to profit by the relief proposed for them. In particular Colonies, the revenue derived from some of the duties imposed by the Possessions Act, or from duties of similar amount otherwise imposed, may be indispensable, as ways and means for carrying on the public service. The degree to which the Colonial Revenues may or may not be effected by the changes of the Imperial Law, in particular cases, must be matter of much uncertainty, until determined by experience; and it may be requisite, in some instances, to provide before hand for a contingent deficiency, and perhaps to re-impose, by local Acts, a part, or even the whole of the duties now repealed, but if this should be necessary, the abolition of the duties repealed by the present Act, and the substitution of the simple tariff which it establishes, will enable the Colonial Legislature to frame a scale of Colonial import duties of a convenient character, and will relieve the commerce of the Colony from the inconvenience which necessarily resulted to importers from the complex provisions and doubtful construction of the previous Imperial Acts. I have therefore to request that you will invite the attention of the Legislature of Canada to the fiscal bearings of the present Act, and acquaint them that in thus confining the operation of the Imperial Law to a narrower range, and enlarging the sphere of Colonial Legislation in matters of commerce, Her Majesty's Government are assured that the local authorities will bring to that Legislation a judgment at once enlightened by local knowledge, and guided by a just sense of what is due to public credit, and to the maintenance of a

proper provision for the wants of the public service. In inviting the attention of the Colonial Legislature to this important subject, you will bring under their especial notice the principle involved in the 10th section of the present Act; by which you will observe, that the duties thereby imposed are differential duties in favor of the produce and manufactures of the United Kingdom, and its possessions; and that while the Colonial Legislatures are left at liberty to fix, subject to Her Majesty's approval, such rates of duty on all imports as they may think necessary for purposes of revenue, the effect of the section above referred to, is to maintain discriminating duties in all cases at least equal to the duties imposed by this Act.

With a view to give time to the local Legislatures to make any arrangements which shall appear to them to be expedient, previously to the commencement of the new Act, its operation is postponed by the 1st section, so far as the British Possessions in North America are concerned, to the 5th July, 1843.

I have, &c.

(Signed)

STANLEY.

The Right Hon. Sir C. Bagot, G.C.B. &c. &c. &c.

*Extracts of a Despatch from the Right Honorable Sir Charles Bagot, G.C.B., to Lord Stanley, dated Government House, Kingston, 27th Jan'y., 1843.*

I have the honor herewith to submit a Petition addressed to Her Majesty by the Board of Trade at Quebec, praying that the Royal assent may be withheld from the Bill passed in the last session of the Canadian Legislature, by which a duty was imposed on the importation of foreign wheat into Canada, until the Imperial Parliament shall have passed a Law authorizing the free admission into the United Kingdom and the other Colonies of all grain and flour exported from this Province.

As the preamble of this Bill asserts, and the proceedings in both Houses attest, this measure was passed under the expectation that, if the Canadian Legislature consented to lay a tax upon American produce, the British Government would be willing to recommend to the Imperial Legislature to remove all duty upon grain and flour received from Canadian Ports.

To this anticipation they were led by the Statements made by Ministers in the House of Commons during the discussions upon the Corn Laws and the Colonial Customs Duties Bill, and by Your Lordship's Despatches upon this subject, particularly that of the 2nd March, 1842, No. 83.

It is a boon for which the producers and merchants of this Province have long sought, and they hoped that when a change was made in the duty in England on foreign produce, they might, as far as Canadian produce was concerned, look to such an amount of favor as would keep undisturbed their relation to the foreign produce.

When they found that the chief obstacle to such an arrangement was the free admission of American produce into the Province, they did not delay passing the measure which had been suggested, and was deemed necessary to obtain it. \* \*

The attention which Your Lordship and Her Majesty's Government have so lately given to this subject, renders it almost unnecessary for me to offer any observations or arguments upon it; I will therefore rather endeavour to supply such information, with regard to prices and cost of transport, as will enable you to judge whether any injury can arise to British interests from the desired concession.

Herewith I transmit a copy of a Report of a Special Committee of the House of Assembly of last Session, upon a free trade with Great Britain in Agricultural products. \* \* \* \* \*

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The rate of duty which the Canadian Legislature has fixed upon American wheat is that which was originally proposed by the Vice President of the Board of Trade on the introduction of the Colonial Customs Bill. It is not excessive, nor likely to be burthensome on the Canadian consumer, while it exceeds the average of the duty now payable by Canadian wheat in England. \* \* \* \*

(Enclosure.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The Petition of the President and Council of the Quebec Board of Trade, incorporated by Act of the Legislature of Canada,

HUMBLY SHEWETH:—

That during the last Session of the Imperial Parliament, a Law was passed imposing a duty of two shillings per barrel on all foreign Flour imported into any of the British Possessions in North America, after the fifth of July next; and that the Legislative Council and Legislative Assembly of this Province have since passed an Act, to impose a duty of three shillings per Imperial quarter on all wheat imported into Canada, after the same date, which Act was reserved for the signification of Your Majesty's pleasure thereon.

That hitherto foreign wheat and flour have been permitted to be imported into this Colony free of Duty, and that by far the greater part of the Flour consumed therein, and exported therefrom, has been so imported, or manufactured from wheat the growth of those parts of the United States bordering on the great lakes and rivers of Canada.

That the transport of such wheat and flour has afforded the chief means of employment to the vessels and craft belonging to Your Majesty's subjects on the Lakes, Rivers and Canals of this Province, extending more than three thousand miles above Quebec, as well as to the vessels engaged in the intercolonial trade; and that the whole of such vessels and craft are owned and manned by Your Majesty's subjects.

That in the humble opinion of Your Majesty's Petitioners, the vast improvements made, and now in progress, in the internal communication of the Province, would be rendered unproductive and nearly useless were this trade destroyed or materially interrupted.

That the commercial interests of the Province are now depressed and suffering to an unprecedented extent, chiefly in consequence of the measures lately adopted by the Imperial Parliament withdrawing or greatly limiting that protection which its principal products formerly enjoyed in competing with foreigners in the markets of the Mother Country, and Your Majesty's other Colonies.

That in consequence of these measures, Your Majesty's Subjects in this Province, from their greater distance from these markets, can only now successfully compete with foreigners therein under the most favorable and rare circumstances; and should Your Majesty assent to the said Act of the Legislative Council and Assembly of Canada, without, at the same time, conferring on Your Majesty's subjects in this Province some counter-vailing privilege in their trade with other parts of the Empire, Your Majesty's Petitioners, firmly believe that the result will be the utter prostration of the trade of the Country, and the ruin of those engaged in it.

That it appears from the preamble of the said Act, that it was enacted upon an express assurance, by persons representing Your Majesty's Government in the Legislature, that some such counter-vailing privilege would be granted, and that without such an assurance, it would not have been passed.

Wherefore Your Majesty's Petitioners humbly pray that Your Majesty may be graciously pleased to withhold the Royal Assent to the said Act, until a Law shall have been passed by the Imperial Parliament, authorizing the admission into the United Kingdom and other Colonies, free of duty, of all grain and flour exported from this Province.

WM. WALKER, Pres. WM. PRICE,  
G. H. PARKE, JAMES DEAN,  
J. W. LEAYCRAFT, H. J. NOAD,  
JAS. GIBB, P. LANGLOIS,  
HENRY W. WELCH, W. STEVENSON.

*Copy of a Despatch from Lord Stanley to Sir C. Bagot.*

(Copy.)

Downing-street,

SIR,

1st February, 1843.

Your Despatch of the 11th November last, No. 234, enclosing authenticated copies of the Acts passed by the Legislature of Canada during its last Session, and assented to by you, in Her Majesty's name, together with copies of two Bills reserved for the signification of Her Majesty's pleasure, intimated your intention of transmitting, by the next Mail, an explanation of the grounds of those measures. Especially with regard to the Wheat Duty Bill, you expressed your intention of transmitting to me such information as might assist Her Majesty's Government in forming an opinion upon it.

I am aware that, since the date of that Despatch, the state of your health has furnished but too conclusive an impediment to your execution of the purpose which you thus announced to me. But, as the time within which Her Majesty's decision on these laws ought to be pronounced is rapidly passing away, and as it is scarcely possible for me to proceed to that decision unaided by the information which you have led me to expect, I would suggest to you that, if the state of your health should still prevent, as I fear it will prevent, the fulfilment of your intention, you should request the Executive Council of Canada to enter upon the consideration of the subject, and to furnish me with such information as to these enactments as may assist Her Majesty's Government in forming their decision.

I would particularly direct your attention, in reference to the Wheat Duty Bill, to the exemption contained in the second clause; and request that you will consider how far that exemption might facilitate the commission of frauds upon the revenue, and especially report what security may be taken, that, under it, foreign wheat may not be landed, converted into flour, and fraudulently re-shipped for importation, free of duty, into the United Kingdom.

I have, &amp;c.,

(Signed,) STANLEY.

The Right Hon. Sir C. Bagot, G.C.B., &amp;c. &amp;c. &amp;c.

*Extract of a Despatch from the Right Honorable Sir Charles Bagot, G.C.B., to Lord Stanley, dated Government House, Kingston, 24th February, 1843.*

I have had the honor to receive your Lordship's Despatch of the 1st instant, No. 320, desiring to be furnished with a Report, in explanation of the grounds upon which the Wheat Duty Bill was passed by the Canadian Houses of Assembly, during the past Session.

Your Lordship will have already received a Despatch upon this subject, which I transmitted by the last Mail, accompanying Reports upon the other Bills of the same Session.

To these I have now to add a Copy of a Minute of my Council, drawn up on this document.

The Minute of the Committee of Council, will furnish Your Lordship with the information required in the concluding paragraph of your Despatch, relative to the possible effect of the exemption con-

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tained in the second clause of the Bill, in admitting frauds upon the revenue, and an abuse of the privilege which may be accorded in the United Kingdom, to wheat which shall have paid the Provincial duty.

Extract of a Report of a Committee of the Executive Council, dated 23rd February, 1843, on the subject of the Bill passed last Session, for imposing a duty upon American wheat.

"With respect to the inquiry contained in the last clause of His Lordship's Despatch, regarding the exemption from duty of wheat and flour introduced by sea for the use of the fisheries, and the facility which such an exemption may give to the commission of frauds upon the revenue, which enquiry the Committee observe is not anticipated in Your Excellency's Despatch, the Committee beg respectfully to observe:—

"1st.—That Canada is very little concerned in the fisheries on the Coast, as the fish taken there are exported directly to foreign countries, and the supplies are derived directly from England in the shape of fishing tackle, sails, rigging, and other like necessaries, and the provisions are imported by sea from the ports in the United States.

"2nd.—That the British fisheries, trading with foreign countries, and having no protection, would be absolutely ruined by any financial measure which would increase their expenses, and thus place them at a disadvantage as compared with the foreign fisheries, particularly as the former do not enjoy the encouragement of bounty, on the exportation of fish, afforded by the Eastern Colonies, and by the Americans.

"3rd.—That the exemption was introduced to favor a trade in which British shipping and British capitalists are interested; and that the only possible interest which the interior of Canada could have in the question would be in favor of a duty on foreign supplies to the fisheries, and in forcing them thus to take the supplies from the Province; but for the reasons above stated, it is not desired to acquire such an advantage at the expense of the fisheries.

"4thly.—That the exemption was introduced in accordance with the policy of all the Canada trade Acts, which contain the same exemption in favor of the fisheries.

"5thly.—That the geographical position of the fisheries is such as to prevent it from being the interest of persons disposed to defraud the revenue to import by Sea wheat from a foreign Country, and to send it illicitly into Canada, there to acquire the character of wheat or flour of Canadian growth, or of the same articles which had paid the duty.

"6thly.—That wheat or flour introduced by Sea for the use of fisheries not on the Sea coast, would not bear the expense of transportation to the interior for the purpose of avoiding the duty.

"7thly.—As to the danger of wheat being introduced by Sea at the fisheries on the coasts, which may there be converted into flour, and thereby acquire the character of Colonial produce or manufacture, the Committee would observe, that the country on the coast not being wheat growing, any importation or manufacture of wheat for exportation would immediately be observed by the Officers of the Customs, and the traders in the article, on importing what evidently was not for the use of the fisheries, or on attempting to export it to England, would be liable to have the property seized, and would be subject to the pains and penalties of the British Trade Act, re-enacted by the Bill in question.

"And, lastly, as the exemption was introduced into the Bill in favor of British interests, any Act removing or lessening the duty on wheat and flour imported from Canada, may contain any precautionary enactments regulating the details of importation for the use of the fisheries, which may be

devised by the Commissioners of Customs, and which would effectually prevent the fraud of which His Lordship apprehends the probability."

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*Copy of Despatch from Lord Stanley to Sir C. Bagot.*

(Copy.) No. 330.

Downing Street,

Sir,

2d March, 1843.

I have received your Despatch, No. 19, of the 27th January, enclosing a Petition addressed to the Queen by the Board of Trade at Quebec, praying that the Royal Assent may be withheld from the Bill passed in the last Session of the Legislature of Canada, by which a duty was imposed on the importation of foreign wheat into that Province, until the Imperial Parliament shall have passed a law authorizing the free admission into the United Kingdom, and the British Colonies, of all grain and flour exported from Canada.

I have to acquaint you, in answer, that I have laid the petition before the Queen, and that Her Majesty was graciously pleased to signify her readiness to take the prayer of it into her consideration, when the proper time shall arrive for deciding upon the Provincial enactment.

I have, &amp;c.,

(Signed,) STANLEY.

The Right Hon. Sir C. Bagot, &amp;c. &amp;c. &amp;c.

*Copy of Despatch from Sir C. Bagot to Lord Stanley.*

(Copy.) No. 34.

Government House,

My Lord,

Kingston, 20th March, 1843.

With reference to your Lordship's Despatch, of 2nd March, No. 330, relative to the Petition addressed to the Queen by the Board of Trade at Quebec, upon the subject of the Wheat Duty Bill, passed by the Provincial Legislature in its last Session, I deem it expedient, although I am confident that Her Majesty's Government will allow no unnecessary delay to occur, in determining upon the course which they will adopt with regard to this measure, to transmit to your Lordship a copy of a communication from the same body, pointing out the importance of an early decision upon this matter, with reference to the trade of the approaching Season.

I have, &amp;c.,

(Signed) CHARLES BAGOT.

The Right Hon. Lord Stanley, &amp;c. &amp;c. &amp;c.

*Copy of a Letter from the Chairman of the Quebec Board of Trade, to Rawson W. Rawson, Esq., Chief Secretary to His Excellency the Governor General.*

(Copy.)

Office of the Council

Of the Quebec Board of Trade,

Sir,

Quebec, 4th March, 1843.

I am requested by the Council of the Quebec Board of Trade, respectfully to inquire if any information has yet been received regarding the fate of a Bill passed in the last Session of our Provincial Legislature, imposing a duty of three shillings per quarter, on wheat imported into the British Possessions, in North America, from the United States, and which was reserved by His Excellency the Governor General, for Her Majesty's pleasure thereon. When the aforesaid Bill was passed by the Legislature, it seemed to be generally understood that it was the intention of the Imperial Government to permit the importation of wheat from Canada into Great Britain, at merely a nominal duty, and as the season of business is now approaching, it is of great importance to the inhabitants of the Province generally, that they should receive authentic information on those questions, with the least possible delay.

I have, &amp;c.,

(Signed,) W. Walker, Chairman.

R. W. Rawson, Esq., Chief Secretary, &amp;c. &amp;c. &amp;c.

Appendix  
(P.)

13th October.

RETURN to an Address of the Legislative Assembly to the Governor General, bearing date the 6th instant, "praying that His Excellency would be pleased to cause to be laid before the House, the names of all Members of the House who have received appointments to Office, whether of honor or profit from the Government, the nature of each appointment, with the salary attached to each Office, together with such appointments as have been given since the Union to Gentlemen formerly Members of the House, with the Salary to each Office, stated in current money,—the appointments made before to be distinguished from those on or since the 16th September, 1842."

Appen  
(P.)

13th Oct

SECRETARY'S OFFICE,  
Kingston, 13th October, 1843.

By Command,

D. DALY, Secretary.

STATEMENT of the Names of all Members of the Legislative Assembly who have received appointments to Office, whether of honor or profit, from the Government; shewing also the nature of each appointment, with the Salary attached to each Office, together with such appointments as have been given since the Union, to Gentlemen formerly Members, with the Salary to each Office, stated in current money, the appointments made before being distinguished from those on or since the 16th September, 1842. (Prepared pursuant to an Address of the Legislative Assembly, dated 6th October, 1843.)

NAME.	Date of Appointment.	DESCRIPTION OF OFFICE.	Salary in Currency.
			£ s d
Aylwin, T. C. ....	23 September, 1842	Executive Councillor, (£111 2s. 2½d.) Queen's Counsel, and Solicitor General, East, (£1111 2s. 2½d.)	1222 4 5
Baldwin, Robert. ....	16 " "	Do do (£111 2s. 2½d.) and Attorney General, West, (£1200)	1311 2 2½
Do do .....	14 February, 1840	Do do (£111 2s. 2½d.) and Solicitor General, West, £600—Resigned 14th June, 1841.	711 2 2½
Black, Henry .....	27 October, 1838	Judge Vice Admiralty Court.	222 4 5
Boswell, G. M. ....	28 August, 1841	Queen's Counsel, Upper Canada—no Salary, Fees variable.	
Cameron, Malcolm. ....	28 March, 1842	Commissioner for inquiring into the collection of the Revenue.	666 13 4
Boulton, Henry J. ....	15 September, "	Queen's Counsel, Upper Canada—no Salary, Fees variable.	
Cartwright, John S. ....	22 January, 1838	Do do do do	
Do do .....	April, 1837	Judge, Midland District Court.	325 0 0
Chesley, S. Y. ....	1 September, 1832	Resident at St. Regis, (Indian Department)—Military Chest.	163 6 1
Daly, Dominick. ....	10 February, 1841	Executive Councillor, (£111 2s. 2½d.) and Provincial Secretary, East, (£1111 2s. 2½d.)	1222 4 5
		Received also from Marriage License Fund, as compensation for loss of Fees.	277 14 5
Derbishire, Stewart. ....	30 September, 1841	Queen's Printer—no Salary, Fees variable.	
Dunlop, William. ....	1 January, 1842	Warden, Huron District—Honorary.	
Dunn, J. Henry. ....	10 February, 1841	Executive Councillor (£111 2s. 2½d.) and Receiver General, (£1333 6s. 8d.)	1444 8 10½
Gilchrist, John. ....	1 January, 1842	Treasurer, Colborne District, and Crown Land Agent—no Salary, Fees variable.	
Hale, Edward .....	" " "	Warden, Sherbrooke District.—Honorary.	
Hamilton, J. R. ....	4 " "	Do Bonaventure District. do	
Harrison, S. B. ....	10 February, 1841	Executive Councillor (£111 2s. 2½d.) and Provincial Secretary, West, (£1111 2s. 2½d.) Resigned 20th September, 1842.	1222 4 5
		Received also from Marriage License Fund, for loss of Fees.	277 14 5
Hincks, F. ....	9 June, 1842	Do do (£111 2s. 2½d.) and Inspector General (£1111 2s. 2½d.)	1222 4 5
Killaly, H. H. ....	17 March, 1841	Do do	111 2 2½
Do do .....	10 February, "	President, Board of Works.	888 17 9
Lafontaine, L. H. ....	16 September, 1842	Executive Councillor, (£111 2s. 2½d.) Queen's Counsel, and Attorney General, East, (£1666 13s. 4d.)	1777 15 6½
MacNab, Sir Allan. ....	23 March, 1840	Registrar, County of Wentworth—no Salary, Fees variable.	
Do do .....	21 January, 1838	Queen's Counsel, Upper Canada. do do	
McLean, Alexander. ....	1 " "	Treasurer, Eastern District. do do	
Do do .....	" " "	Registrar Surrogate Court, Eastern District, Upper Canada. } do do	
Morin, A. N. ....	1 January, 1842	District Judge, Rimouski, &c. to 12th October, 1842.	400 0 0
Do do .....	13 October, "	Executive Councillor (£111 2s. 2½d.) and Commissioner of Crown Lands (£688 17s. 9½d.)	1000 0 0

