

CHAPTER IV.

Louis XIV. takes over the government of Canada, 1663—The Governor, the Bishop, the Intendant—Administration—Small population—Character of the settlers—Carignan Regiment—Coureurs-de-bois—New grants of lands—Quebec, Montreal, Three Rivers—Country people in Canada—Seigniorial system.

Having taken over the government of Canada, Louis the Fourteenth proceeded to institute a system of administration adapted to colonial needs. The form which this administration took at the outset in 1663, endured with but very slight modification until 1760, that is, roughly speaking, about one hundred years. Under its working Canada gradually developed those forms, political, social, and ecclesiastical, which go to make up the old regime, and which constitute the permanent background of the Province of Quebec in its modern phase. The king conceived of Canada theoretically as a royal province; but in transplanting the organs of provincial administration across the Atlantic he allowed their customary functions to be adapted to the needs of their different environment. The difficulty of communication between Quebec and Versailles threw a responsibility of judgment upon colonial administrators which similar officials at home would hardly ever incur.

Particularly was this true of the office of governor and lieutenant-general. The governor and lieutenant-general, for the two were usually combined, exercised almost vice-regal powers. He was the king's direct representative so far as concerned the majesty of the state. Yet he was a governor who did not govern, although the responsibility for the colony rested upon his shoulders. In the sphere of civil administration executive functions devolved upon another officer. It would not be altogether incorrect to say that the office of governor was essentially a dignity without authority; a view which may partly explain the extreme susceptibility,

which many of the governors showed in exacting the formal respect to which their position entitled them. But outside the sphere of internal administration the functions of the governor and lieutenant-general were varied and extensive. The tortuous question of relations with the Indians belonged peculiarly to him, and the failure of more than one governor, as well as the success of others, depended upon the settlement of this ever pressing difficulty. In addition to the Indian question, the exigencies of the eighteenth century, with its long-drawn-out wars for colonial supremacy, threw upon the governors at Quebec the responsibility of upholding and directing the interests of France in the struggle with England for dominion in North America.

Next to the governor came the bishop. As head of the Canadian church he owed his appointment to the king. Owing to the circumstances under which the province had been colonized—for a majority perhaps of the settlers before 1663 had been brought out by religious organizations, which selected them for their piety—the Church, as contrasted with the State, held the position of pre-eminence. The life of the early colonists was always closely in touch with Jesuits missionaries and other zealous churchmen, so that the Church exercised an authority born of attachment and devotion such as the State never acquired. As far as there could be a recognized headship of the Canadian people, that headship rested with the bishop rather than with the governor—another reason, perhaps, why successive governors exacted that formal respect which would the more willingly have been bestowed upon a representative of the Church.

Below the governor and the bishop came the intendant, an officer of comprehensive functions.* He was officially described as Intendant of Justice, Police, and Finance. In all that bore upon the civil administration of the colony, he had not only executive, but a wide scope of legislative authority as well. In addition to specific duties he was expected to watch the

*The intendants came to Quebec in the following order:—1665, Jean Talon; 1668, Claude de Bouteroue; 1675, Jacques Duchesneau; 1682, Jacques de Meulles; 1686, Jean Bochart de Champigny; 1702, François de Beauharnois; 1705, Jacques Raudot, père, et Raudot, fils; 1710, Claude Michel Bégon; 1725, Thomas Claude Dupuy; 1731, Giles Hocquart; 1748, François Bigot.

M. Robert, the first intendant to be appointed after Canada became a royal province, did not come to Quebec.

governor and to send over detailed criticisms of his conduct and his policy. So that, between the intendant on the one hand, and the bishop on the other, the office of governor was not altogether an enviable one. Had it not been for his direction of high questions of state, such as relations with the Indians and with the English colonies, the position would have had little attraction to offer.

Aside from their individual and original authority the governor, bishop, and intendant formed the nucleus of a judicial and deliberative body known as the Sovereign Council. By an edict of 1663 which established the council, and in which, strangely enough, there is no mention of an intendant, the governor and the bishop are empowered to select five councillors from among the inhabitants of the colony; the latter to serve from year to year according to the pleasure of the appointing officers. In 1675 the number of councillors was increased to seven, and their appointment vested directly with the king, as it was found that, between the governor and the bishop, the councillors did not observe a sufficiently non-partisan attitude. Most of the early councillors supported the bishop as against the governor, much to the king's displeasure, who did not care to see all the influence in the administration exercised by any one single official. In 1693 the number of councillors was still further increased to twelve, and the title of the council changed from Sovereign to Superior, though historically it is usually referred to under its older title. The deliberative body which had been organized in the time of the Cent Associés has passed into history as the ancien conseil.

Certain passages in the edict which created the council set forth its powers and duties succinctly enough to be quoted here.

“Donnons,” it declares, “et attribuons le pouvoir de connaître de toutes causes civiles et criminelles, pour juger souverainement et en dernier ressort selon les lois et ordonnances de notre royaume, et y procéder autant qu’il se pourra en la forme et manière qui se pratique et se garde dans la ressort de notre cour de parlement de Paris, nous réservant néanmoins selon notre pouvoir souverain, de changer réformer et amplifier les dites lois et ordonnances, d’y déroger, de les abolir, d’en faire de nouvelles ou tels règlements,

ou statuts et constitutions que nous verront être plus utiles à notre service et au bien de nos sujets du dit pays.

“Voulons, entendons et nous plait, que dans le dit conseil il soit ordonné de la dépense des deniers publics, et disposé de la traite des pelleteries avec les sauvages, ensemble de tout les trafic que les habitants pourront faire avec les marchands de ce royaume; même qu’il soit réglé de toutes les affaires de police, publiques et particulières de tout le pays, au lieu, jour et heure qui seront désignés à cet effet; en outre donnons pouvoir au dit conseil de commettre à Québec, à Montréal aux Trois Rivières et en vous autres lieux au temps et en la manière qu’ils jugeront nécessaire, des personnes qui jugent en première instance, sans chicane et longueur de procédures, des différents procès, qui y pourront survenir entre les particuliers; de nommer tels greffiers notaires et tabellions, sergents, autres officiers de justice, qu’ils jugeront à propos, notre désir étant d’ôter autant qu’il se pourra toute chicane dans le dit pays de la Nouvelle France afin que prompt et brève justice y soit rendue.”

Obedience to the reglements of the council was enjoined in the following terms:—

“Mandons en outre à tous justiciers, officers, habitants du dit pays, passagers et autres de déférer et obéir aux arrêts qui seront rendus par notre dit conseil souverain sans difficulté.”

The following provision was made for a secretary:—

“Et d’autant que pour la conservation des minutes, des arrêts, jugements et autres actes ou expéditions du conseil, il sera besoin d’un greffier ou secrétaire, voulons semblablement qu’il soit commis telle personne qui sera avisé bon être, par les dits sieurs gouverneur, évêque, ou premier ecclésiastique qui y sera, pour faire la fonction de Greffier ou Secrétaire, laquelle sera pareillement changée ou continuée, selon qu’il sera estimé à propos par les dits sieurs susnommés.”

By the Arrêt of 1675 which increased the number of councillors from five to seven, the intendant was to rank as third in order of dignity in the council, but to serve at the same time as its presiding officer. In this capacity he performed the customary offices of chairman, convoking the meetings, putting questions, and passing judgments.

The records of the proceedings of the Sovereign Council form a most invaluable source for the study of the French regime. Almost every question which touched the social and economic life of the inhabitants came before the council or the intendant. The ordinances issued by the latter, and the judgments of the former reflect the system under which Canada was then developing. A selection of these public records was compiled in 1803 for official publication. They were re-issued in 1854 in three volumes under the title *Edits et Ordonnances*, and in this form constitute a part of the general law of the Province of Quebec. The three volumes comprise the edicts, patents, and commissions registered by the council; the *arrêts* issued by them, the judgments delivered, chiefly in civil actions involving seigniorial rights and obligations, and lastly the ordinances of the intendants.

Passing from central to local administration, we find institutions resting likewise upon French precedent. Social life conformed to the seigniorial system. In its completed form the system in Canada reproduced, with few exceptions, the law and custom of seigniorial tenure in France, as set forth in the *Coutume de Paris*. When the parish, as the unit of ecclesiastical government, came to be generally instituted, the seigneur and the curé together became the personal centre around which the daily life of the habitant revolved. To the seigneur belonged the right of *haute, moyenne et basse justice*; but, for reasons which need not be detailed here, they never undertook the adjudication of any but trivial cases such as could be settled by an off-hand judgment. The local courts of Montreal, Three Rivers, and Quebec, judged *en première instance*, as noted above, and as an appeal always lay from the seigneur to them, the seigneur was willing that cases should be begun before the royal court rather than before himself personally. The seigniority was a unit in the military organization of the province, the task of calling together the militia devolving upon a functionary known as the *capitaine de la milice*. This official developed into the recognized agent in the parish of the central authorities, and was entrusted with the publication of notices and the supervision of the royal *corvées*. As the seigniories increased in number they tended to group themselves about the three centres of Quebec, Three Rivers and Montreal. This fact determined the

division of the province, administratively, into three districts, named after their respective centres. While the governor and lieutenant-general resided in Quebec, subordinate governors had charge of the two districts of Montreal and Three Rivers. On many occasions in the eighteenth century the governor of Montreal succeeded the governor and lieutenant-general at Quebec on the death of the latter. The same district division applied, as noted above, to the judicial organization of the province, the three districts having royal courts (*the Prévôtés*) of equal jurisdiction, from which an appeal lay to the Sovereign Council. Quebec had in addition the *Maré-chaussé*, or Court of the Marshals, with special jurisdiction over "des gens sans aveu et vagabonds," and also a court of admiralty overseeing the regulations governing shipping. The basis of law administered was the Coutume de Paris, while the procedure was that prescribed in a special ordinance of 1667, modified to suit the conditions of litigation in the colony.

Of municipal organization there was practically none. Before 1663 Quebec, Montreal, and Three Rivers had each an elected syndic. It would seem that this office was continued after 1763, though permission to hold a meeting for the election of a syndic had first to be obtained from the intendant. The intendant, from time to time, authorized public meetings in the three towns in question for the discussion of such matters as the price of bread and other provisions, the regulation of prices for butchers, bakers, and carters, and other small municipal concerns. Subject to the supervision of the intendant, there was no lack of public discussion, though action in any case lay with the intendant himself. In Montreal, and also in Quebec, for the year 1717 there are to be found traces of a merchants' exchange, sanctioned by a special arrêt of the king, allowing merchants and traders to meet together for common discussion of trading conditions, and to elect a representative to confer with the intendant upon questions affecting the general interests of traffic. But in all that concerned municipal improvement we find that it was the intendant himself who tried to overcome the apathy of the citizens in regard to such things as the cleanliness and good order of the towns; and in particular, it may interest some modern readers to know that as far back as the seventeenth century an intendant at Quebec was urging upon Montreal the historic task of improving its streets.

Such, in brief outline, was the system of government and administration given to Canada in 1663, and which the colony retained throughout the old regime. Under its operation the colony developed a social and economic life of its own, and at the same time took part in the struggle with the neighbouring English colonies for the dominion of the continent. It is the narrative of this development and struggle which occupies the remainder of this sketch.

In the mind of Louis the Fourteenth the principal shortcoming of the Cent Associés, aside from their failure to provide military defence against the Iroquois, was their somewhat reckless granting of seigniories to persons unwilling or unable to clear and settle them. Thus, in an edict of 1663 the king is made to say:—

“Instead of finding that this country is settled as it ought to be after so long an occupation thereof by our subjects, we have learned with regret not only that the number of its inhabitants is very limited, but that even these are every day in danger of annihilation by the Iroquois. It being necessary to provide against this contingency, and considering that the company (the Cent Associés) is nearly extinct by the voluntary retirement of most of its old associates, and that the few remaining have not the means of maintaining the country and of sending thereto troops and settlers both to defend and inhabit the same, we have resolved to withdraw it from the hands of the said company . . . and have declared and ordered that all the rights of justice, property and seignior, rights to appoint to offices of governor and lieutenant-general in the said country, to name officers to administer sovereign justice, and all and every other rights granted by our most honoured predecessor and father by the edict of April 29, 1627, be and the same are hereby reunited to our Crown, to be hereafter exercised in our name by officers whom we shall appoint in this behalf.”

And further, “One of the principal reasons as a result of which the said country is not peopled as it should be and that so many dwellings have been destroyed by the Iroquois, is that large tracts of land have been granted to all the private individuals of the colony who have lacked the means of clearing them. The result has been that they are scattered about at considerable distances from one another, and are neither able to render

assistance to one another nor to be conveniently succoured by the garrisons at Quebec and other places in the event of an attack. Furthermore it appears that in a large part of the country only small patches of land near the dwellings of the grantees have been cleared; the rest is far beyond their ability to handle."

The intendant under the new administration was entrusted, among other things, with the duty of fostering an increase of immigration. Under Talon, the greatest of the intendants, sometimes called the "creator of Canada," steps of the most energetic kind were taken to give the province an adequate population. Talon reached Quebec in 1665 to find Canada with a population of barely 3,000 souls. By the year following it had gone up to 3,418; in 1667, to 4,312; in 1668, to 5,870, not counting enlisted soldiers on duty. Of this rapid increase (3,500 in three years), a small fraction came from the births in Canada itself, but the rest came in part from habitants and their families brought over from France, and in part from the soldiers of the Carignan-Salières regiment who became settlers after their discharge, and in part also from numbers of marriageable girls collected in Paris and sent out by the king as wives for the soldiers. In 1670 Talon brought over some four hundred persons, and three hundred soldiers who were expected to become settlers on their discharge; in fact, the population of the province was very sensibly increased by soldiers, from time to time, taking land when their period of enlistment was over. From 1670 the immigration for a few years averaged about five hundred; but by this time the number of births in the colony had reached nearly seven hundred yearly. After 1672 the practice of sending out marriageable girls ceased.

The census of 1673 gave, however, an enumeration of only 6,705 inhabitants; of 1675, only 7,832. By the year 1685 the figures did not go above 10,735. The following table shows the gradual increase to the close of the old regime:—

| | |
|-----------------------|------------------------|
| In the year 1722..... | 25,053 |
| 1739..... | 42,924 |
| 1750..... | 62,000 |
| 1755..... | 66,000 (approximately) |

Rameau estimates that the original basis of the population was an immigration from France which, in the course of one hundred and forty years, did not total over 10,000 souls. The distribution of these over the period in question may be seen in the following table:—

| |
|------------------------------------|
| Before 1660, about 1,000 |
| Between 1660 and 1672, about 3,700 |
| Between 1672 and 1710, about 1,000 |
| Between 1710 and 1756, about 4,000 |

The period between 1660 and 1672 was the period of Talon's activity. The falling off between 1672 and 1710, that is, between the departure of Talon and the end of the wars of Louis the Fourteenth, was due to the fact of the war, and the government's withdrawal of all state-aided immigration. After 1710 the figures represent a normal immigration, deprived of all artificial stimulus.

It scarcely needs to be pointed out that if Louis the Fourteenth had continued to further immigration during the second period as he had under Talon's administration, Quebec in 1760 might have had a population varying from 500,000 to 600,000 souls. In such a case the Seven Years War might have had a different ending. As it was, Canada could only oppose to the 2,000,000 inhabitants of the English colonies a scattered population of some 60,000, although France at the time had twice the population of the British Isles. More than one writer has suggested that if even a fraction of the money wasted upon the fortifications of Quebec had been used at an earlier date to aid immigration into Canada the native militia alone might have sufficed for the conflict with the English colonies.

It is hardly necessary to discuss here the character of the immigrants from which in the course of time sprang the French Canadian people. English and American authors have frequently indulged in cynical reflections upon the fact that the earliest "settlers" sent out to Canada were impressed from the common jails and prisons of the seaport towns of France. This, if it were true would mean nothing more than that the French Court in the sixteenth century tried to adopt the very means which were later followed by the English government to people certain parts of Australia and Cape

Colony. But, to be historically exact, none of the unfortunates sent over with Roberval or with de la Roche remained in Canada. The whole ground of the accusation is therefore swept away. The capture of Quebec by David Kirke in 1629 depleted the little settlement of all its French inhabitants save a very few. These we know to have been persons of unexceptionable character who in the first instance had been chosen by the Recollet Fathers for their industry and piety. No French Canadian traces the name of his family on Canadian soil beyond the few settlers who sojourned in Quebec during the first English occupation.

As for the families that came to Canada between 1633 and 1760, some three thousand and more, they represented the best element of their kind in France. On this point the opinion of Rameau may be quoted.

“La population n’a point eu pour origine, comme plusieurs ont pu le penser, quelques aventuriers, quelques, hommes de hasard, quelques individus déclassés et enrôlés par l’Etat. Ce fut l’immigration réelle d’un élément intégral de la nation française, paysans, soldats, bourgeois, et seigneurs; une colonie dans le sens romain du mot, qui a importé la patrie tout entière avec elle. Le fond de ce peuple, c’est un véritable démembrement de la souche de nos paysans français; leurs familles cherchées et groupées avec un soin particulier, ont transporté avec elles les moeurs, les habitudes, les locutions de leurs cantons paternels, au point d’étonner encore aujourd’hui le voyageur français; ce sont aussi des soldats licenciés s’établissant sur le sol, officers en tête sous la protection du drapeau; voilà les principes essentiels et originaires de la population canadienne.”

The localities which furnished the population were not necessarily confined to any particular section of France. The north-western provinces sent out, perhaps, the greater part of the emigrants, but a very large proportion came from the centre and south. Among the earliest to settle around Quebec before 1660 were a group from Saintonge, and a group from Normandy. About one hundred families came from a small district in Perche, and settled for the most part together in Beauport. As to their character, Rameau remarks:—

“D’autre part, comme ces familles ont toutes été des plus notables pour l’honnêteté de leur conduite, leurs habitudes sédentaires, rangées, agricoles,

tout porte à croire qu'elles sortaient des familles de paysans les plus respectables et les mieux établies de ces contrées. La plupart ont aussitôt créé au Canada une lignée nombreuse; le développement de leur race rappelle un peu celui des Acadiens et une importante portion de la population leur doit son origine dans le province de Québec.”

Between 1660 and 1680 Poitou sent out a group of about 250 families which like those from Perche, formed a distinctive element in the population around Quebec. Aunis, Saintonge, Normandy, and the city of Paris likewise contributed to the immigration of this period. The officers and soldiers of the Carignan-Salières regiment were drawn indiscriminately from all parts of France. The quota from Paris consisted chiefly of the marriageable girls sent out as wives for the colonists. As noted above, the stream of immigration almost ceased between 1675 and 1710. From the latter date until 1760 it continued, slowly at first, but gradually increasing, until between 1740 and 1750 about two hundred families arrived annually. These came chiefly from Aunis, Saintonge, Brittany, and the city of Paris, Normandy, le Languedoc, la Provence, and Lyons. Of this last group, many went to swell the urban population of Quebec and Montreal as artisans, tradesmen, merchants, and tavern keepers.

It has often been affirmed that the Carignan troops left a great number of settlers in the colony, but that is not probable since we find only very few indications of new names about the time the regiment is supposed to have been disbanded in Canada. What is more likely is that the men liberated from military service turned *coureurs-de-bois*, and that they must have been about 400 in number. The class of men turned *coureurs-de-bois* was not known before 1668 or even 1670. Most of the settlers who went to the new seigniories on the south shore of the St. Lawrence or the Richelieu after 1670 came from the north shore of the St. Lawrence and were not discharged soldiers, as historians assert; at that time the Carignan men were going to the woods all around the great lakes. Soldiers are hardly fit to become settlers, but country people always make good soldiers. The Canadians born on the north shore of the St. Lawrence could easily become settlers on the south shore, and so they did, but the soldiers shunned the tiresome business of felling trees and clearing the soil—they sought another field.

Unfortunately for the numerical strength of the population, its numbers were constantly depleted, owing to a variety of causes. The more venturesome of the younger men broke loose from the influence of priest and seignior and roamed the forests to hunt, to traffic with the Indians, and not infrequently to adopt an Indian life. These *coureurs-de-bois*, as they were called, placed themselves for the most part beyond the pale of Church and State. The Intendant Duchesneau reported that in 1680, that is only a few years after the population of the colony had begun to increase perceptibly, as many as eight hundred men had forsaken the French habitations to become *coureurs-de-bois*. Allowing for some exaggeration, in numbers, the extent of the evil may be estimated from the fact that in 1680 Canada had only 2,000 families; the absence of the *coureurs-de-bois* deprived the province of some four hundred more. In the time of Duchesneau the evil was felt most keenly, especially as the king and the intendant were bent on fostering the growth of the population. Stringent regulations, even to the extent of capital punishment, were made to check this very natural tendency. By degrees, however, especially as population grew, the absence of the *coureurs-de-bois* became less conspicuous, and custom gradually came to sanction what had at first been accounted a crime. From Montreal scores of the younger men made their way to the westward, and formed, in fact, a not unimportant link between the merchants and traders of that city and the Indians of the west.

Another reason for the depletion of the population may be found in the fact that the paternal character of the old regime and the restrictions placed upon trade, drove many of the colonists across the frontier line to the English colonies. Here they enjoyed a much better opportunity to make their fortunes. But this source of loss was slight in comparison with the disastrous results of the wars and skirmishes with the Indians and the English colonists. Almost every season saw a heavy toll of lives sacrificed to the supreme need of defence.

As population gained in numbers both from immigration and from natural increase within the colony, the seigniorial system came gradually to spread itself over an extensive territory. It followed, for the most part, obviously for reasons of easy communication, the banks of the St. Lawrence

and of its tributaries. The seigniorial system served admirably to distribute population methodically. The Cent Associés had made in all about sixty grants of estates, but not more than half had been cleared and settled before 1663. Louis the Fourteenth, through the intendants, strove to make the seigniorial system an effective means of developing the province. On taking over the government of Canada he threatened to confiscate, and, in some cases, actually did confiscate grants which had not been cleared. Henceforth, with few exceptions, no grants were made except on the understanding that they were to be efficiently occupied.

The coming over of the Carignan-Salières regiment enabled Talon to take the first perceptible step forward in extending the system. The officers of the regiment were offered seigniorial grants, and the men for the most part accepted their officers as seigniors and settled down as habitants. For strategic reasons, in view of the hostility of the Iroquois, the grants to the officers of the regiment were made along the banks of the Richelieu, the natural approach of the Mohawks to the St. Lawrence valley. Many, though not all, of the newly created seigniories took their names from the seigniors, thus:—

Chambly from M. de Chambly.

Varenes from M. de Varenes.

Verchères from M. de Verchères.

Saint-Ours from M. de Saint-Ours.

Cap Saint-Michel from M. de Saint-Michel.

Saurel (Sorel) from M. de Saurel.

Contreccœur from M. de Contreccœur.

Lussaudière from M. de Lussaudière.

but

Tremblay to M. de Varenes.

Bellevue to M. de Vitré.

Guillodière to M. Bournay de Grandmaison.

The seigniorie of Boucherville, which is included within the group lying in this locality, was granted to M. Boucher, the only seignior who had not been a commissioned officer.

On the other side of the St. Lawrence the seigniory of Berthier took its name from M. Berthier, also one of the officers of the regiment. The rest of the staff found concessions elsewhere.

In the district of Quebec where, it will be remembered, families had been settled since the time of Champlain, the native-born Canadians had already begun to overflow from their original seigniories into others newly created. Thus we find that children born in the côte de Beaupré migrate after the second generation to the new seigniories of Bellechasse and la Bouteillerie, while Fausembaut, Neuville, Lauzon, Demaure, Beaumont, and la Durantaye were largely peopled by a similar overflow from Quebec, île d'Orléans and Beauport. By 1680 the city of Quebec had become the centre of a group of twenty-two practically contiguous seigniories and villages. Of these, sixteen were on the northern side of the river and the remainder on the southern. They contained in all about 5,400 people, which represented a clear two-thirds of the entire population of the province. Between Quebec and Three Rivers on the northern bank of the river stretched the concessions of Sainte-Anne, Batiscan, Champlain, Hertel, Marsolet and Cap de la Madeleine. On the southern side between the Quebec and Richelieu group lay Villieu, Lotbinière, la Prade, Linctot, and Nicolet.

Montreal had become the centre of six other seigniories, ranged on both sides of the St. Lawrence: Autray, Valterie, Repentigny, Chesnaye, and Prairie de la Madeleine. By 1680 the district contained about 2,000 inhabitants.

Of the three districts, Quebec, though less fertile than Three Rivers or Montreal, became the centre of the most thickly settled area, and remained so till the close of the old regime. This was owing to its comparative safety from Iroquois raids. Consequently the largest number of seigniories is to be found in this region. But along the Richelieu, despite the Iroquois peril, seigniors pushed their settlements the whole length of the river. From Montreal too the line of advance had already reached a considerable distance up the Ottawa. These newer seigniories were mostly settled by a migration from the Quebec district.

The establishment of seigniorial grants, with their subdivisions into farms or holdings, followed a plan of allotment which gave the surface of

the country a somewhat regular appearance. All of the earliest grants were made along a river frontage, extending inwards from the water line. The subdivisions were rectangular plots, beginning at the water line and extending backwards for the depth of the seigniority. In consequence the river banks gradually assumed the appearance of a long straggling village street. This phenomenon was noticed by the Swedish traveller, Kalm, who visited Canada in 1749, and left an invaluable record of his impressions.

“All the farms in Canada,” he writes, “stand separate from each other, so that each farmer has his possessions entirely distinct from those of his neighbour. Each church, it is true, has a little village near it; but that consists chiefly of the parsonage, a school for the boys and girls of the place, and of the houses of tradesmen, but rarely of farm-houses; and if that was the case, yet their fields were separated. The farm-houses hereabouts are generally built all along the rising banks of the river, either close to the water or at some distance from it, and about three or four arpents from each other. To some farms are annexed small orchards; but they are in general without them; however, almost every farmer has a kitchen-garden.

“The farm-houses are generally built of stone, but sometimes of timber, and have three or four rooms. The windows are seldom of glass, but most frequently of paper. They have iron stoves in one of the rooms, and chimneys in the rest. The roofs are covered with boards. The crevices and chinks are filled up with clay. The other buildings are covered with straw.”

As a system of land tenure and social relationship, the seigniorial regime developed in Canada differed in many respects from its counterpart in France. To begin with, only a few of the Canadian seigniors belonged to the ranks of the noblesse. Talon, in 1675, after his retirement from Canada was created Comte d'Orsainville, having previously held the barony des Islets. In 1676 the île d'Orléans was erected into a countship and bestowed upon François Berthelot as Comte de Saint Laurent. In addition to these two dignities, one or two baronies were instituted; that of Cap Tourmente in favour of Guillaume de Caën, in the days before the Cent Associés, was revoked in 1640; that of Portneuf, 1681, was bestowed upon René Robineau; that of Longueuil, the most interesting of all the Canadian baronies, 1668,

was erected for Charles Lemoine. In 1656 a *châtellenie* was conferred upon Louis d'Ailleboust—the *châtellenie* of Coulonge. Many of the seigniors, from time to time, were constituted members of the noblesse by letters patent of the king. The bestowal of this civil distinction went on despite the fact that many of the members of the noblesse were without means to support the dignity. The revenue from the average seigniorship was never very large, and frequently a seignior might be found poorer than some of the habitants on his estate. Nevertheless the seigniorial dignity carried with it a social prestige that had its attractions, and it commanded always the respect of the light-hearted, courteous habitant.

The obligation of the seignior to his superior varied with the conditions of his concession. A very few grants were made *en franc aleu noble* and *en franc aleu roturier*, which made them almost equivalent to allodial property. They were not, strictly speaking, part of the seigniorial system and they are of interest to us merely as legal curiosities. Many religious and philanthropic institutions received grants *en franche aumône*, which involved only the obligation of fealty and homage, in addition to rendering of the services for which they were specially instituted. The ordinary form of grant, which applied to nearly all estates in Canada, was *en fief* or *en Seigneurie*.

The obligations of the holder of a fief or seigniorship were quite specific. First of all came the rendering of the ceremony of fealty and homage, usually to the governor or to his representative in the Château St. Louis at Quebec. This done, he was required to furnish and place on record with the proper authorities the *aveu et dénombrement* of his grant, which consisted of a statement of its location, extent, property and subdivisions. Supposedly he was then under the obligation, within a reasonable time, provided the grant were new, to have it cleared and settled. By an Arrêt of 1711, and by subsequent provisions, this stipulation was definitely implied, and failure to discharge this duty, which really meant the making of subgrants to farmers or habitants, involved forfeiture. The only financial obligation involved in the relation between the seignior and his superiors was a mutation fee, known as the *quint*, due whenever the seigniorship changed hands by sale, or gift, or indirect inheritance. The value of the

quint was one-fifth of the consideration involved in the transfer, subject to the customary discount of one-third. The last obligation, though never exactly expressed in so many words, was implied in the very granting of a seignior, namely, the duty of the seignior to serve as an officer in the local militia.

The obligation of the seignior to clear his grant implied, as noted above, the necessity of making sub-grants. In a few cases the original seignior would bestow these *en arrière fief*, that is to say, by the creation of sub-seigniories. But practically all estates were parcelled out *en censive*, and the holders were technically known as *censitaires*, a term which Canadian custom turned into habitant. On his part, the habitant owed his seignior, first of all the annual dues known as the *cens et rentes*. Despite many opinions to the contrary, there was never at any period a definite or fixed rate for the *cens* applying to all Canada—a fact made clear by the scholarly work of Dr. W. B. Munro in his recent *Seigniorial System in Canada*. The *rentes* were frequently payable in kind, and both dues together, the *cens* and the *rentes*, were rendered yearly at a stated time.

The Abbé Casgrain in *Une Paroisse Canadienne au XVIIe Siècle* has given us a delightful picture of the occasion when the habitants came to pay their annual dues to the seignior. “Chaque automne,” he writes, “vers l’époque de la Saint-Martin, 11 Novembre, le seigneur faisait faire la criée a la porte de l’église pour avertir les censitaires de venir payer leur cens et rentes. On attendait ordinairement pour cela les premiers beaux chemins d’hiver. Le manoir devenait alors un centre d’activité, comme l’est encore aujourd’hui les presbytère du curé au temps de la rentrée des dîmes. Les habitants arrivaient soit en carrioles soit en traînes, emportant avec eux un ou deux chapons, quelques minots de grains ou d’autres effets; car, bien que les droits fussent exigibles en monnaie, le seigneur acceptait souvent des denrées en échange.

“(Le seigneur) assis dans son fauteuil, au fond de la grande salle du manoir, et ayant devant lui une table, recouverte d’un tapis, sur lequel était ouvert le censier, donnant audience à ses censitaires. Les anciennes redevances ne s’élevaient qu’à deux livres par arpent de front sur quarante-deux de profondeur; et à un sou de cens pour la même étendue, de sorte

qu'une propriété ordinaire de quatre arpents sur quarante-deux n'était grevée que de huit livres de vingt sous de rentes, plus quatre sous par année.

“On connaît la bienveillance qu'ont habituellement montrée les curés dans la perception de leur dîmes. C'était sur cet exemple que se modelaient les seigneurs. (Ils prenaient) occasion de la rentrée de ses rentes pour régler les différends qui surgissaient entre les familles. Bien souvent, pendant les beaux jours de l'été, assis à l'ombre d'un arbre (ils rappelaient), le chêne de Vincennes par la manière dont ils rendaient la justice à ses censitaires.”

The seignior was likewise entitled to a mutation fee, known as the *lods et ventes*, which was fixed at one-twelfth of the price involved in a transfer of property, less the customary discount of one-third. In the earlier days of the seigniorial system the value of the *lods et ventes* was necessarily small; but the value rose with the increase in the market value of land, especially in the seigniories in the immediate vicinity of the towns. The value of the *cens et rentes* never fluctuated, except with the fluctuations of the paper money, or by express stipulation made with a new tenant.

Part of the seignior's income came from the toll of the mill, which by feudal custom his habitants were obliged to use exclusively. The monopoly of grinding corn was the only one, of many of a similar kind pertaining to the feudal system, which the Canadian seigniors exercised. Many indeed would have been glad to forego the right, for in the earlier days of the colony the erection of a mill involved a heavy outlay of expenditure. But, as a general thing, each seignior had its mill. The grinding of the grain was minutely regulated by the authorities, as the habitants frequently suffered at the hands of careless, incompetent, and dishonest millers. In his journey from Montreal to Quebec the Swedish traveller, Kalm, noted the presence at intervals of these seigniorial mills.

“We sometimes saw,” he writes, “wind-mills near the farms. They were generally built of stone, with a roof of boards, which together with its flyers, could be turned to the wind occasionally.”

Lastly, the seignior had the right to certain “exactions,” chief among which was the *corvée*, or forced labour on the part of the habitant. Some-

times this labour was for the direct and personal advantage of the seignior, but more often it went to the common good of the seignior, such as the making of roads, or the clearing of timber for pasture land. On many seigniories the amount of labour exacted did not exceed six days work a year. The question of seigniorial justice has been touched upon already.

Taken as a whole, the seigniorial system in Canada, while not ideally perfect from the point of view of the habitant, had in it none of the elements of harshness and oppression which we are inclined to associate with a feudal regime. The lot of the habitant was, in many cases, not an unpleasant one. The Abbé Casgrain, in the work already cited, has given us perhaps an idealized picture of the life of the typical habitant; but, certainly, he is much nearer the actual state of things than many authors who have denounced the system without giving it the necessary study for an impartial opinion. The conservative judgment of Dr. Munro on this point is worth quoting. It will be found to correspond closely to the opinion formed by Monseigneur de Saint-Vallier, which is referred to in another chapter of this sketch.

Dr. Munro says: "The burdens imposed upon the habitant by the seignior of the old system in Canada were far from onerous. To declare that they were 'more nominal than real' seems scarcely justifiable in view of the general poverty of the class upon which they were imposed; they certainly were not so regarded by the habitants themselves. Still, the Canadian habitant was, in this respect, much better off than his prototype, the French censitaire. In all cases his obligations were fixed with some degree of definiteness, and the method of exaction was never harsh or cruel. From the most odious incidents of the seigniorial system in France he was almost entirely free. He was protected, moreover, not only by the letter and the spirit of the law, but by the administrative jurisdiction of the intendant, to whom he might appeal with little expense and with reasonable hope of success whenever a seigniorial exaction, though legal, seemed unjust or contrary to public policy."