THE SEIGNEURIAL REGIME

Marcel Trudel

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THE SEIGNEURIAL REGIME

by

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He has published the following books: *L'influence de Voltaire au Canada*, 2 volumes, (Montréal, 1945); *Vézine*, (Montréal, 1946); *Louis XVI, le Congrès américain et le Canada, 1774-1789*, (Québec, 1949); *Histoire du Canada par les textes* (with Guy Frégault, Montréal, 1952); *Le Régime militaire dans le Gouvernement des Trois-Rivières, 1760-1764*, (Trois-Rivières, 1952); *L'Affaire Jumonville*, (Québec, 1953); *Chiniqy*, (Trois-Rivières, 1955); *Champlain*, (Montréal, 1956); *L'Eglise canadienne sous le régime militaire. 1759-1764*, 2 volumes (Montréal, 1956, 1957); *L'Esclavage au Canada français*, (Québec, 1960); *Histoire de la Nouvelle-France, 1524-1603*, (Montréal, 1963); *Histoire de la Nouvelle-France, 1604-1627*, (Montréal, 1966); *Initiation à la Nouvelle-France*, (Montréal, 1968); *Jacques Cartier*, (Montréal, 1968); *Atlas de la Nouvelle-France*, (Québec, 1968); *L'histoire du Canada: enquête sur les manuels*, (Ottawa, 1970); *Le terrier du Saint-Laurent en 1663* (Ottawa, 1973); *La population du Canada en 1663* (Montréal, 1973); *Les débuts du régime seigneurial* (Montréal, 1974); *Montréal: la formation d'une société, 1642-1663* (Montréal, 1976). He was joint editor (with professor George Brown) of the first volume of the *Dictionary of Canadian Biography* / *Dictionnaire biographique du Canada*.
I. The Introduction of the Seigneurial System

The seigneurial regime in France probably originated in the Gallo-Roman period. In the early modern period it became a key support of the social structure (the possession of land being the measure of the dignity of a man) and at the same time was a useful instrument of government in rural areas and an efficient tool in the hands of a centralizing state. The seigneurial regime ultimately became integrated into the monarchical system. As early as the sixteenth century its use in America was foreseen by those who wished to direct great colonization schemes, but it was not until the establishment of the Company of One Hundred Associates that it began to be applied in a systematic way to the distribution of the land. The One Hundred Associates, who were the seigneurs of New France, sought for persons of rank who would collaborate in the work of colonization and by way of encouragement land was granted to them and titles of honour bestowed upon them. These assistants to the One Hundred Associates and other seigneurs appointed later by the state or by other seigneurs (when they granted a portion of their seigneur as an "arrière-fief") would also become promoters charged with the recruiting of settlers and with their establishment on seigneurial lands. By removing from this regime its traditional abuses (such as arbitrary power) and by adapting it to American conditions France transformed the seigneurial system into a method which gave assurance that the promoters, known as seigneurs, to whom large or small tracts were granted, would bring in settlers, both parties having a precise knowledge of reciprocal rights and duties, laid down in advance, and over which the state reserved the right of minute surveillance.

II. The Seigneurial Framework

A. The Geometric Pattern

The geometric pattern of lands granted under the seigneurial system were, from the beginning of the regime, imposed by the great waterway. Flowing from southwest to northeast, the St. Lawrence cuts the country in two. It was natural that the river should provide the front of the early seigneuries established on its banks. In order that as many seigneurs as possible might have access to the water, these seigneuries must be narrow, although they might extend far into the interior. To establish a geometric pattern, the boundaries must be pointed in the same southwest-northeasterly
direction as the river itself. Parallel lines perpendicular to the frontage must be drawn, giving to the seigneuries the shape of narrow rectangles running in a northwest-southeasterly direction.

The application of this geographical pattern was already visible in 1641 in the Bourdon map; even today many traces of this geometric pattern can be found in the present-day cartography of Québec. It appears in the boundaries of counties, because the seigneurial boundaries were adopted in 1791. Such present-day counties as Montcalm, Joliette, and Berthier, for example, owe their northwest-southeasterly direction to the seigneurial régime.

True, many seigneuries escaped this formula. Geographic accidents compelled exceptions to the rule. Great islands (such as the Isle of Orléans, and the islands at Montréal) remain outside the pattern. The flow of the Ottawa and of the Richelieu led to other alterations. Lake Champlain and Beauce made their own demands. Even along the St. Lawrence, not all seigneuries are shaped like narrow rectangles: some are square. Most of the exceptions, however, are to be found in the back country, behind the seigneuries
bordering on the river. In the back country it was necessary to take account of the hills and the practical demands of the farmer. These back seignuries vary in shape from an elongated trapezoid, such as St. Gabriel (near Quebec City) to the irregular triangle of Bourgmarie (behind Sorel). There is even the shapeless seigneurie of Pierreville, lying beyond Saint-François-du-Lac. These are the exceptions: in general the geometric pattern is formed of narrow rectangles in a northwest-southeastly direction.

The geometric pattern does not stop at the main divisions. It is reproduced on a smaller scale within the seigneury itself. Strips of land were laid out running parallel to the boundaries of the fief; to give more people access to the river these strips were made narrow, but they ran far back. As a result, in the heart of the St. Lawrence valley we have an infinite number of narrow parallel bands, running from northwest to southeast. The geometric regularity of these lines bespeaks an orderly system within which the greatest number of people might have access to the facilities provided by the river.

B. A Balanced Division of the Land

Not all these parallel bands were the same width. The Company of One Hundred Associates, and its successor, the State, did not grant the same amount to each seigneur. Account was taken of the merit of the promoter, or his capacity for exploiting his opportunities. Very large seignuries are few: they are Beaupré, the island of Montréal, Batiscan and Cap-de-la-Madeleine, the last two extending 20 leagues\(^1\) into the interior, and therefore the deepest seignuries in the country. Another is Lauzon, which covers an area of 36 leagues. These vast seignuries were granted in the first part of the seventeenth century, before the seigneurial system had taken definite form. After 1695, the king granted far smaller areas, and great seignuries became very rare. The exceptions to this policy were Beauharnois, granted in 1729; Saint-Armand and Saint-Hyacinthe, in 1748; and Rioux, in 1751. Generally speaking the area granted was two, four, or six leagues. These smaller grants swelled the number of seigneurs as well as of settlers responsible vis-à-vis the State.

This type of division provided safeguards against subdivision of the country into great landed estates and the acquisition of too much land by powerful parties exclusively. It is customary to state that one quarter of the 7,985,470 acres granted during the French régime

\(^1\)The league equals 3 miles.
were given to the Church. Certainly, if grants made to religious orders are considered as concession to the Church, the total amounts to 26.3%. Even this leaves the laity with the imposing figure of 73.7%. However, to attach the figure of 26.3% to the Church as such gives a false impression, for under the French régime the religious orders held a social mandate from the state for both education and hospitalization. In those fields they were handmaidens of the state, requiring land in order to perform their functions because state contributions were insufficient for their needs. At Québec, where education was entrusted to the Ursulines, who gave free tuition to day pupils, the nuns’ community was given 2.1% of the land. The Hôtel-Dieu with a grant of 0.2% looked after the sick. No land was given by the state to the General Hospital which cared for the aged and insane: its property was purchased or donated by private individuals. At Trois-Rivières the Ursulines received 0.5%, engaging in the education of girls and care of the sick. At Montréal, the General Hospital, operated by the Grey Sisters and giving the same service as the similar institution at Québec, received 0.5%: the Hôtel-Dieu where care was given to the sick received only an infinitesimal portion of lands from the state. The same may be said of the Récollets. Others were given more. The Sulpicians who came to preach and teach got 3.1%. The Bishop and Seminary of Québec who assured the survival of the Church received 8.7%. The Jesuits, who had to maintain the only classical college in New France as well as carry on their missions, were awarded 11.2%.

The figures supply the following table of grants:

<table>
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<th>Organization</th>
<th>Grant</th>
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<tr>
<td>General Hospital, Québec</td>
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<tr>
<td>Hôtel-Dieu, Montréal</td>
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<td>Récollets</td>
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<tr>
<td>Hôtel-Dieu, Québec</td>
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<td>General Hospital, Montréal</td>
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<td>Ursulines, Trois-Rivières</td>
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<td>Ursulines, Québec</td>
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<td>Sulpicians</td>
<td>3.1%</td>
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<td>Bishop and Seminary, Québec</td>
<td>8.7%</td>
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<tr>
<td>Jesuits and College</td>
<td>11.2%</td>
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<td>Laity</td>
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If the social services which the religious orders were bound to perform are taken into account, it must be admitted that the proportion of land given to them by the state was only a fair share. At this point one may observe that the large concessions were made during the seventeenth century when the social structure was in its
formative stage. As soon as this society had begun to develop, the state adopted a rigorous policy of never granting lands to the religious orders. A well-balanced distribution of land was essential.

C. Extension of Seigneurial Geography

The early seigneuries were established around the centres of population, Québec, Trois-Rivières, and Montréal. They covered a small area spread along the north bank of the river. Vast open spaces remained which, owing either to the Iroquois wars or to insufficient immigration, could not be filled. Sixty-two seigneuries en fief were granted between 1623 and 1653, and fifty-three in the next ten years. After 1663, when New France was re-organized on a new basis, the vacant spaces filled a little faster, and the great period of expansion began.

The greatest advance was made in 1672 when forty-six seigneuries were granted, of which ten were in the Richelieu valley alone. It may be said that in 1672 the creation of seigneuries along both banks of the St. Lawrence neared completion. The corridor of the Richelieu, the invasion route of the Iroquois, was peopled henceforth by seigneurs, veterans of the Carignan-Salières regiment.

Geographical expansion continued. Ninety seigneuries were added in the sixty years between 1673 and 1732. During the next seven years, twenty-eight more were granted. It was at this period that settlers invaded Beauce and began to spread into the region around Lake Champlain. Advance was regarded as urgent so that English colonization might be forestalled. The last twenty years of the French régime saw little progress for, after taking back about twenty concessions which had been neglected, the state made about twenty new grants. At the time of the final English invasion, the seigneuries covered roughly all the north bank of the St. Lawrence from La Malbaie to and including the Vaudreuil-Soulangues triangle, while on the south shore they formed a continuous line from Beauharnois to the present Pointe-au-Père. Nearly all the Lake Champlain area had been granted. There, except for a few cases of no significance, the geographical area of the seigneuries ended.

D. Description of the Seigneury

Before looking at conditions which applied during the seigneurial régime, let us visit an imaginary seigneur located somewhere on the banks of the St. Lawrence. The first thing to notice is the seigneur's domain. No seigneur had the right to keep the seigneury for
his exclusive use. He could reserve only a portion, called réserve or domaine direct (because he occupied and operated it himself) or more commonly simply domaine; when the seigneur repossessed land already conceded because the grantee had not fulfilled his obligations, he added it to the domaine indirect, that is the total land holdings which he held to concede.

The law of 1854 which ended seigneurial tenure did not touch the domaine direct: as a result the Seminary of Québec continues to occupy and cultivate those lands on the Beaupré shore which were formerly the domaine direct of its seigneury.

What is the extent of this land which the seigneur reserves for his own use without obligation to concede it to others? It varied from one seigneur to another, according to the extent of the fief. For example, the seigneur of Champlain reserved a domain of five arpents frontage by a league in depth, his seigneury covering twenty-six arpents of frontage by four leagues in depth. The seigneur of Port-Joli, with a fief of one hundred and sixty-eight arpents frontage by two leagues in depth, retained twelve arpents frontage by two leagues in depth.

The geometric plan of the country is met with again in the interior of the seigneury. The domain, of course, is not always in the centre and the lots are not always of the same area.

Next, we look at the land held by the “Fabrique”, on which the church and presbytery are built. This land is usually granted in mortmain by the seigneur who often gives it from the domain because he wishes to have the church as near to his manor house as is possible.

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1One mile is equal to 27½ arpents.
One usually finds a common, land granted to the settlers of the first range, or even to the whole seigneury, as pasture. In return, the settlers pay dues, clear the land, and fence it.

This Canadian common should not be confused with the French commune or biens communaux. Here the common is a plot of land granted by the seigneur at a precise date under precise conditions; if the users of the communal land fail to respect the agreement between themselves and the seigneur, the latter may reunit the common to his indirect domain, like any other granted land.

Now come the conceded lands, pointing in the same direction as the seigneury. They are long and narrow so that the greatest number of settlers will have access to the water. Their extent varies with the capacity of the settlers to bring land into cultivation, but it is safe to say that the average lot measures three arpents in front by thirty arpents in depth. Although the frontage and depth lines of the first range of lots follows the windings of the river, a straight line is drawn to mark the frontage of the second range so that it may be drawn on a geometrical pattern. The strips of land left between the ranges are called “abouts” and are ceded to the “censitaires” as additional acreage. Once the first range has been settled, the seigneur places people upon the second range, and when that is filled he proceeds in the same manner. Unconceded lands may not be touched. Wood growing on them may not be cut, maple trees may not be tapped, and woodlots may not be sold. The seigneur has been given title so that he may cede the lands, not to speculate with them.

At least as early as 1633 the One Hundred Associates set aside from the seigneurial structure space considered necessary to urban life and military security; thus they created a suburban zone, an extent of one league around cities, to be administered directly by the higher authorities of the colony. However the town of Montreal escaped this provision because the whole island was owned as a seigneury and in the case of Three Rivers, the town itself did not include any seigneuries but it was surrounded mostly by seigneuries so that the rule was hardly applied at all except in the case of Québec, and there only on Cap-aux-Diamants, between the Sault-au-Matelot fief (granted before the time of the One Hundred Associates) and the châtellenie de Coulouge; and even there a few exceptions were made in the case of small seigneuries.

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2The censitaires were the residents of the seigneury. The title derived from the “cens”, a nominal tax which they had to pay.
Very early a few seigneurs took the initiative in establishing villages in their fiefs, mostly in order to house tradesmen whose services were essential to the community. Starting in 1654, in a place where he had erected a palissade for the protection of the inhabitants, the seigneur of Beauport granted small building lots called emplacements. The first emplacements of Château-Richer, in the seigneurie of the Company of Beaupré, are dated 1657. At about the same time land grants in the arrière-fief Beaulieu make reference to a village taking shape on the southwest point of the Isle of Orléans and the Jesuits started another in their seigneurie of Cap-de-la-Madeleine. In 1667 Jean Talon started his three famous star shaped villages in his seigneury Les Islets. Nevertheless, the village as an institution under the French Régime never had the character or importance that it had then in France. Various reasons may have retarded the development of villages, including the rule prohibiting the inhabitants from building on a plot smaller than one and half arpents by thirty.

III. Rights of the Seigneur

The “person of rank” chosen to become an assistant in the work of colonization received lands of more or less extent, with a title of honour. This land, called a fief because it was subject to foi et hommage according to the feudal custom, could be a fief de dignité, which could only be owned by a noble or it could be a fief noble which was not reserved for the nobility alone and did not confer rank upon its owner. This is the type of fief referred to as fief et seigneuries, and was the most common in New France. Canadian seigneurs who were nobles did not owe their nobility to the possession of a seigneur but to their birth or the letters of nobility which they had received. While in 1663 most of the seigneuries in New France were owned by nobles, by 1763 they were mostly in the hands of commoners.

The seigneur was entitled to honorary rights and real rights, both based on written titles (because, in the seventeenth century no duty was recognized unless it was established by a title) which were exercised under the supervision of the state.

A. Honours

In a society in which honour was the most frequent recompense for service, it was only fitting that this should be paid to the seigneur in the greatest degree possible.
As the social life of the Seigneur was, so to speak, centered in the church, most of the honours paid to the seigneur were in his relationships with the congregation. He had a free pew, twice as wide as the ordinary bench, located in the most prominent place, the first row to the right. He and his family were named in the prayers from the pulpit. He took precedence over the people, after the church wardens, and even preceded the latter in such ceremonies as the sprinkling with holy water, and in the distribution of the blessed bread, of tapers at Candlemas, and of ashes and palms. In processions he marched behind the curé. He had a right of burial inside the church beneath the seigneurial pew. The intendant was ever watchful both to see that these honours were accorded to the seigneur and that he did not exact more than his due.

Civil honours were accorded also. If the seigneur granted a sub-fief he received fealty and homage for that fief, but few seigneurs were in such a position. Most of them had to be satisfied with the honours paid by censitaires who planted the Maypole and paid their "cens". The Maypole was planted in front of the seigneurial manor-house on the first of May amid great festivities. It was a fir tree, trimmed except for the top tuft.

By payment of the cens the holder of a plot of land, called a censitaire, recognized that the seigneur who had conceded (not given) this plot of land was still the ultimate owner of it. That is why the censitaire cannot be called a property owner. The rate of cens was one or two sols per arpent of frontage. Since conceded lands ordinarily had only one or two arpents of frontage the censitaire rarely paid more than six sols. It was merely a symbolic tax.

Special rules applied to the inheritance of seigneurial lands. Land held by a censitaire was divided in equal parts between his children whether boys or girls. In the case of a seigneury, if there were several children the eldest son had a right to half of it and the others received equal shares of the rest; if there were only two children the eldest had a right to two-thirds of it.

B. Burdensome Rights

The rights of the seigneur which were called onéreux, because they were profitable, were also under the supervision of the state and the seigneur was not free to increase them.

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1In comparing the purchasing power of our dollar with that of the livre of 1741 and 1761, it can be said that the livre is roughly equal to our dollar, and the sol to about five cents.
The safeguard of the tenant lay in the Custom of Paris, enforced by the authorities: no obligation was recognized unless a title to it could be produced.

The first of these rights was the payment of "rentes". The usual rate was twenty sols per arpent of frontage. An average lot, having three arpents frontage, brought in sixty sols a year (about $3.00 in our currency — a small tax for land ceded free). The rate varied. At Les Eboulements ten sols and a capon were paid, while at La Durantaye six livres (about $6.00) was exacted. Whatever the rate it remained at the figure set in the contract.

The second right was known as "lods et ventes". It was similar to the quint in that it was a transfer tax paid by a person when he purchased a concession from a censitaire. It was about one-twelfth of the transfer price. As in the case of the quint it was aimed at discouraging mutation, since lands were ceded to the censitaire to cultivate them, not to speculate. The seigneur's interest in this tax was protected by the "retrait", which could be invoked if a censitaire should sell his right too cheaply, thus reducing the mutation tax. In such cases a seigneur could reacquire the land at the price asked, provided he exercised this right within forty days.

Dating from an earlier period seigneurs in France had acquired various sources of revenue from activities on their seignuries — from flour mills, from bake ovens, from the sale of wine or firewood or from hunting and fishing. These monopolies had taken the name of banalités from the word ban, meaning the right to command. The seigneur in New France also enjoyed a certain number of banalités. He had the exclusive right to build and operate a flour mill and he collected milling dues. Each time a censitaire went to the seigneur's mill to have his grain ground (and he was obliged to have it ground there) he gave the seigneur the fourteenth minot. At the very least these revenues allowed the seigneur to cover the cost of maintaining the mill and paying the miller.

At times, other rights were permitted. Such was the power to cut wood for building, or even for fuel, on the uncleared land of censitaires. State intervention reduced this right to one arpent out of each sixty. Eventually it was prohibited.

The seigneur might reserve the right to fish. In such cases the censitaire must, in accordance with the terms of his contract, purchase the right by surrendering about four barrels of eels, a tenth of the porpoises, and every twentieth, or even every eleventh fish.
Where a common for pasture had been given to the censitaires, dues might be exacted. At Boucherville, for instance, seven livres (about $7.00) and an eighth of a minot of wheat was the annual charge.

If a censitaire failed to put his land under cultivation, the seigneur might reunite it to the domain, but he could not do so except through the intervention of the intendant.¹

The seigneur could impose “corvées”. Many extravagant statements have been made on this subject by people who seem to have confused the seigneurial system with feudalism and so have come to believe that corvées could be imposed at will. In this country the right was governed by contract. Only three days, four at most, were exacted; one for seeding, a second for haying, a third for harvesting, and, if included in the contract, a fourth for the autumn ploughing. A censitaire could commute his service by paying forty sols per day, about $2.00 in our money. Three or four days were not much to give at that time, and it must be remembered that when a corvée was imposed for the highway, the seigneur was required to do his share of the work.

To sum up, the usual burdensome rights paid by censitaires in possession of an average lot (of three arpents by forty) were:

- cens: 6 sols ($0.30);
- rentes: 60 sols ($3.00);
- milling tolls: 14 minots out of 200;
- corvée: 3 days a year.

If the minot of wheat is valued at four livres, and a day’s work at two livres, the total payment is $65.30. This sum represents the annual cost to the censitaire for the possession of a lot of three arpents by forty, the milling of his wheat, and the security found within the seigneurial system.

IV. Duties of the Seigneur

The seigneury was not simply a gift from the state to recompense an individual. It was not given to the seigneur for the pleasure of making

¹Under the Custom of Paris the seigneur could erect a communal oven which must be used by the censitaire who paid the due of one loaf in twenty-four. This right was not exercised in New France. The intendant Raudot asked that it should be abolished, merely from fear that some seigneur might try to exact it some day.
him a great landed proprietor. He who became a seigneur became a promoter of colonization and had to accept a whole series of duties which had been ordained for him.

A. Duties of the Seigneur Towards the State

The seigneur had close ties to the state. His first duty on taking possession of his fief was to pay fealty and homage. To do so he went to the governor's château where, in the presence of the intendant, he took off his hat, laid down his weapons, knelt, and declared himself to be a vassal of the king. By this official act, a rite belonging to the feudal system, the state intended that he should proclaim himself a faithful subject and undertake in a solemn manner to honour his obligations as a seigneur.

Then, since the land was given that he might colonize it, the seigneur was bound, when called upon by the intendant, to present an "aveu et dénombrement" of his fief. This document, prefaced by a declaration of title, contained an enumeration of each of the lots which he had ceded, a description of those lands, giving the names of the censitaires, the extent of the cultivated lands, and a statement of the sums levied for "cens et rentes". In short, the seigneur was subjected by the state to an extremely detailed inquiry into his affairs.

He also undertook to reserve for the king all oak growing on the seigneury. This precious wood was required for shipbuilding. When a seigneur discovered it, he notified the state and none might be cut for sale until it had been examined by the king's carpenters. He agreed to reserve all mines and minerals for the king. The soil belonged to the seigneur but the sub-soil was the property of the Crown.

Finally, the transmission of the seigneury except in direct succession was subject to the "droit de quint". Whoever bought a fief from a seigneur must pay this tax which was equivalent to one-fifth of the transfer value of that fief. This tax was paid to the state by the buyer, not, as is commonly held, by the seller. It was aimed against speculation and at ensuring that sales of seigneuries would be difficult. Those who wished to buy a seigneury worth 10,000 livres would hesitate when the tax would add 2,000 livres to the purchase price. The fief had been given to the seigneur to colonize it, not as a business venture.
B. Duties of the Seigneur towards the Censitaires

The seigneur was under an obligation to the state: he made a solemn promise before the intendant to fulfill his obligations. He must prove that he populated his lands. He reserved oak, mines, and minerals. If he wished to speculate with the seigneury, the purchaser must meet the "droit de quint". The obligations of the seigneur did not end here: there remained a series of duties towards the censitaires.

The first of these duties was "tenir feu et lieu", that is to maintain a manorhouse as a residence within the seigneury. This did not mean that the seigneur must live there year round. It was sufficient that the manorhouse should have a responsible tenant. Under the seigneurial system the censitaires are deemed to have need of the presence of a responsible person, for he who sets down a population should be present in his own person or by his deputy. Besides, the censitaires must pay their "cens et rentes" at the manorhouse and nowhere else.

His second duty was to cede the lands. He might not sell woodlots unless they had first been ceded as part of the colonization duties of the seigneur. If someone applied for land, the seigneur could not refuse to accept him without sufficient cause. He was obliged to give the applicant a "billet de concession", a temporary title which permitted him to prove his ability to bring the land into cultivation. Later, the applicant could obtain a "contrat de concession", a contract drawn up in good and proper form. If the seigneur refused an applicant without a reason or without sufficient cause, the applicant could appeal to the intendant who had the power to overcome this manifestation of ill-will by ceding the land asked for. If the seigneur neglected to cede his lands, the fief could be reunited to the royal domain. By the edicts of Marly, in 1711, Louis XIV reminded colonial authorities that they must suppress all seigneuries in which the title-holder had neglected the development of his land. This was not an empty threat. Eighteen seigneuries were suppressed for cause in 1741 alone.

A third duty was to build and operate a flour mill. If he neglected to do so, the state could either authorize a censitaire to build it and to receive the toll as recompense, or it could itself build the mill, paying the cost from the toll which the seigneur had forfeited by neglecting his obligation.

If the seigneur had judicial rights, usually those of middle and low
justice, he was bound to establish a seigneurial court and to pay the salaries of the court officers.

With regard to public charges, the seigneur was on the same footing as his censitaires. He was bound to subscribe to the cost of church and presbytery. If the intendant called for a “corvée” for the highway, the seigneur must work on the road despite the fact that this work was supervised by the captain of militia, one of his own censitaires. In this respect a wide gulf separated the seigneurial system from feudalism.

V. Rights and Duties of the Censitaire

The rights of the censitaires are the counterpart of the duties of the seigneur. The advantages which the censitaires could demand of the seigneur were the presence of a responsible person in the manorhouse, concessions of lands, a mill a court of justice, and subscription to the needs of the church. If the seigneur neglected to provide these advantages, the censitaires could appeal to the intendant. In return, the censitaire must live up to his duties. He too must live on his land. He was bound to pay his dues at the manorhouse. The customary date for such payments was St. Martin's Day, the eleventh of November. He must produce his title on demand, cultivate his land, give a right-of-way to his neighbours, permit the building of communal roads on his concession, and pay lods et ventes if he purchased another's concession. Failure to meet his obligations brought penalties which were imposed by the intendant. Between 1727 and 1730, Hocquart reunited two hundred lots to seigneurial domain for failure to reside. Non-payment of dues was punished by seizure of possessions or even a levy on the land. The intervention of the intendant was an important factor; it deterred the overhasty seigneur and overcame stubbornness on the part of a recalcitrant censitaire. It protected the one against the other.

VI. Characteristics of the System

A. The Seigneurial System was not Feudal

The seigneurial regime in New France in the seventeenth century was not a feudal system. In France itself the seigneurial system existed in an economic sense well before feudalism and after being integrated into the feudal system, had been transformed into a form of military organization. Beginning as an economic cell, the seigneury had become a military cell. It was at this time that the seigneurial system adopted feudal rites and feudal terminology. After the disappearance of feudal-
ism the seigneurial system became once more a land granting system — an economic enterprise — while still retaining its feudal appearance, but except for this disguise the seigneurial system has nothing in common with feudalism.

Under this system an individual received a large grant of land with the title of seigneur but on the express condition that he concede lands to those who applied for them. His rights and duties were laid down by the state in minute detail. Nothing was left to the whim of either seigneur or censitaire. Every demand made by the seigneur was regulated by the state and every condition which the censitaire must accept was written into his contract when it was first drawn. State supervision was constant. The intendant intervened continually to see that both parties got their respective rights. If the censitaire failed in his duties, the state compelled him to perform them. If the seigneur neglected or refused to fulfil his function, the state could either take his place or reduce him to the rank of a censitaire by reuniting his fief to the royal domain. Bound by contract to the state and to the censitaire, the seigneur bore no resemblance to his feudal counterpart. A society in which everyone enjoys equal protection from the state, and in which everyone is on the same footing with regard to public duties is not feudal. Even though the seigneurial system drew upon feudalism for some of its rites and part of its vocabulary, its essential content is not feudal.

B. Mutual Aid

In the St. Lawrence valley of the seventeenth and eighteenth centuries relations with the outside world were few and fraught with danger. Internal communications were slow and difficult. In this isolated country with its extremes of climate, the simple immigrant could survive only in a society that provided mutual assistance. The state therefore created the seigneur who ceded land and who, in exchange for certain duties laid down by contract, gave his cooperation to the settlers. The censitaire, wherever he might settle, found a manorhouse in which there was always a resident so that he did not have to establish himself in a deserted spot. He had the use of a flour mill. All about him was a society ordered within carefully prescribed bounds. For his part, he must help the seigneur by living up to his duties and by doing his three or four days of corvée. If the church should need funds or the highways require labour then seigneur and censitaire were on the same footing. Each must make his contribution to the general good.
But was there in fact a way of life and a tradition associated with the manor which would permit us to talk of a genuine seigneurial society? To date research has neither established the existence nor the absence during the French regime of such a society. It can be said however that by the end of the regime the seigneur seems to have been little more than a rental agent. When a seigneur played an important rôle in society it was not usually because he was a seigneur. In a list of the four orders which, according to Chevalier La Pause, constituted the government of Canada, he did not even mention the seigneurs.

VII. The Work of the Seigneurial System

A. Did the System do What was Expected of it?

If one thinks only of the banks of the St. Lawrence in the little Canada of long ago, it can be said that the seigneurial system fulfilled its mission. Civilization was spread along the banks of the St. Lawrence so that those descending the river gained the impression that they were passing through one continuous village. If, however, one thinks of the amount of land to be brought under cultivation, no advance was made beyond the seigneur of Rigaud along the Ottawa. None was made on those rich areas which were destined to become the Eastern Townships, although under normal conditions population would have spread into those regions during the first half of the eighteenth century. Advance faltered on Lake Champlain. The fault did not lie entirely in the seigneurial system. The state opposed colonization along the Ottawa, fearing lest the people might not be able to resist the temptation to engage in the fur trade in competition with the Montréal interests. On Lake Champlain the seigneurial thrust came too late, for by the time action was taken, France was already in open conflict with the English colonies. The distinctive mark of the régime was lack of settlers. The seigneurial system was designed to attract them to the country, but of itself it could not bring them. What attracts immigration is a demand for labour, but in New France the fur trade needed few people, while agricultural operations were on a small scale for lack of external markets. Large-scale industry, which could have brought in many people, was prohibited.

B. The System Safeguarded French-Canadian Nationality

The seigneurial system had only moderate success as a colonizing medium, but it did more than group a number of people round
their seigneurs along the banks of the St. Lawrence. It gave a form and an assurance of solidarity to the French-Canadian national spirit. When the English became masters of the country they were not free to divide it at will: they were obliged to take into account the geographic entity formed by the seigneuries. The settled seigneuries, and those in which settlement was under way, could not be integrated into a world based upon free and common soccage (the English system of land tenure). When the 45th parallel was adopted as the southern boundary, and the Vaudreuil-Soulanges peninsula was reserved to Lower Canada (instead of using the natural boundary, the Ottawa River) the seigneurial system acted as an impediment to any other course of action.

Moreover the seigneurial system permitted the French Canadians to preserve their solidarity in spite of the continuous flow of English immigration. Setting aside the cities (Québec and Montréal) which had entirely different problems, it was the seigneurial system that prevented the English from mixing systematically with the French. What could it mean for an Englishman to settle in a seigneur? To take up land entailed obligations and burdens out of keeping with the democratic views and spirit of initiative characteristic of Englishmen. If he purchased a seigneur he must accept responsibilities towards the censitaires which were not attached to land held in free and common soccage. For those reasons the seigneuries were, in general, closed to the English who could not adapt themselves to this alien world. Instead, they gravitated towards the Eastern Townships where they might create a world more to their liking. The French Canadians, until the middle of the nineteenth century, were reluctant to settle in those townships because they could not find there those advantages which they enjoyed in the seigneuries. This attitude of mind is proved by a study of the investigation of 1821 into overpopulation of the seigneuries.

So it was that two worlds arose within Lower Canada: the world of the seigneuries into which Englishmen were reluctant to enter, and the world into which the French Canadian would not go, at least prior to 1821. And this phenomenon came into being just when serious attempts at assimilation were being made. Had the seigneurial system not existed this division of Québec into two worlds could not have taken place and the solidarity of the population would have lost the essential element round which resistance could be focussed. The parish could not, of itself, provide this solidarity because the English parish could have subsisted along with a French parish in the same community. It was the seigneurial system which assured
the solidarity of the French Canadians during the century which followed the cession of the country to England, and it is to that system that the French Canadians owe their national survival during those years.

C. Decay and Disappearance of the System

The seigneurial system, suited to a society in its formative years, could not last indefinitely. It began to lose ground as soon as the country was ceded to the English. In order to function well, this system required the minute supervision and coercive force of the state. When this supervision disappeared after the conquest, the seigneurs carried out only those obligations that suited them and increased the charges upon the censitaires despite the terms laid down in the contracts. The English authorities who were interested only in free and common socage did not feel compelled to intervene. So it was that the seigneurial system became less efficient and gave rise, in some quarters, to abuses which discredited it.

It was not, however, the change of allegiance and the absence of essential supervision which hastened the downfall of the system. Abuses were not the cause of abolition. The real cause was the rapid industrialization of society. The seigneurial system was not designed for an industrial world. It put too many stumbling blocks in the path of industrialization. Little progress could be made where the seigneur's property spread over one or more parishes, where the lods et ventes hampered transfers of lands, and where the communal mill enjoyed a monopoly at a time when the trade in flour was making rapid strides. The seigneurial system which had been designed for a society in its infancy found itself out of date. Abolition was not brought about by the rural censitaire who could still profit by it, nor was it the result of a humanitarian or philosophic campaign for the liberation of the common man, even though this subject gave occasion to speculation on the natural equality of men. Abolition became imperative because the system could not subsist in the conditions created by economic progress.

On 18 December, 1854, under a law passed by the Province of Canada, the censitaire was freed from cens, lods et ventes, responsibility to the seigneur (banalité), retrait, and all other incidents of the system, while the seigneur was stripped of all his seigneurial rights and privileges. There were to be no more seigneurs and no more censitaires. Under this act the seigneurs were promised an indemnity for loss of their financial rights. A court was established to assess these losses. The outcome was that the Government paid
some $5,000,000 to the seigneurs, who were allowed to retain their respective domains as well as all lands which they had not ceded. The problem of land occupied by the habitants (former censitaires) remained. As these lands had been ceded, not granted, it was decided that each habitant should pay a lump sum equivalent to the market value of his land. Those who would not or could not do so at once, might continue to pay to the former seigneur an annual due (the constituted rent). In France, it had taken plunder and bloodshed to sweep away the old social structure. In Canada, by the act of 1854, revolution was accomplished in the most peaceful and equitable way. A little ink and a lot of money flowed.

The mark of an ancient servitude remained in the annual payment of constituted rent, and it seemed likely that, in most cases, the habitants would remain in debt. The obligation placed them at a disadvantage in comparison to the farmers of the Eastern Townships and of Upper Canada. In 1935 and 1940 the Government of Quebec passed legislation to facilitate the redemption of the constituted rent. Under this legislation the habitants were relieved of their obligations to their former seigneurs. Instead they became debtors to the municipalities.

Yet even now more than a century after the abolition of the seigneurial system, some people continue to pay rent for their land by virtue of contracts entered into in the seventeenth and eighteenth centuries, and the receipts for these payments continue to bear the traditional notation “for seigneurial rents” . . .
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GENERAL STUDIES

Two recent books on the seigneurial system are noteworthy: R. C. Harris, *The Seigneurial System in Early Canada, A Geographical Study* (Madison, Wisconsin, 1966) is the first systematic geographical study and Georges-E. Baillargeon, *La survivance du régime seigneurial à Montréal: un régime qui ne veut pas mourir* (Le Cercle du Livre de France, 1968) is a study of the surviving features of the seigneurial system in a particular area.

We have recently published *Les débuts du régime seigneurial au Canada* (Montréal, 1974), in which we describe the beginnings of that system, from the sixteenth century to 1663. In another book, *Le terrier du Saint-Laurent en 1663*, we describe, with a lot of plans and maps, the seigneuries and the conceded lands in the Saint Lawrence Valley.

The seigneurial system in New France cannot be studied without reference to its equivalent in France itself. The reader is directed to Marc Bloch, *Les caractères originaux de l'histoire rurale française* (Librairie Armand Colin, 1968), 2 volumes.

MAPS

In M. Trudel, *l'Atlas de la Nouvelle France* (Québec, 1968), pp. 160-181, there are a number of maps both old and modern which are helpful in understanding the seigneurial system in the St. Lawrence valley.