

by His Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to said laws and customs of Canada, until they shall be altered or varied by any ordinances that shall from time to time be passed in said 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 approved in a manner hereinafter mentioned."

(And this Council by the agreement made with Lotbiniere was to represent the seigneurs and noblesse.)

XVIII.

(SOLE AUTHORITY OF PARLIAMENT)

" Provided always, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to repeal or make void, within said province, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of His Majesty's colonies and plantations in America; but that all and every said Acts and also all Acts of Parliament heretofore made concerning or respecting the said colonies and plantations shall be and are hereby declared to be in force, within said province and every part thereof."

By this act of 1773 the constitution of Canada was acknowledged virtually to be the supreme unchangeable law of the land, above Royal Proclamations, ministerial orders and acts of the British Parliament. Much more is it above the acts of the Canadian Parliament and can be effected, but not changed without a re-affirmation of allegiance, by the States General only, according to the ancient law,—a body over which the King presides and in which the representatives of the noblesse have one vote, the representatives of the church have one vote, and the representatives of the burgesses and free holders have one vote, the King reserving his decision until the result is known, with the privilege of dissolving the States General and summoning another (Glosson, Hist. du Droit et des Institutions de la France.)

In the meantime while the noblesse had secured the constitution of Canada by the Act of Quebec of 1774, the struggle for the same sort of constitutional observance was progressing in the Anglo-American colonies against the usurpation of the London Parliament, not only over

but over (2) the Royal prerogative at the base of every Anglo-American colonial charter.

When the Anglo-American colonies were established under the Stuart Kings, these Kings had the same prerogatives as the King of France, which the parliament at that time had not usurped. They chose their own ministers and appointed their own governors, that is neither parliament nor the ministers could interfere with their choice. The governments which they established in America were provincial, similar to that of Canada. They were in single tiers, or principalities, over which the Lord proprietor had sovereign power, being responsible to the King alone, and in consular charters, in which the inhabitants governed themselves sovereignly, divided in two houses, one for the aristocracy and one for the industry and trades, presided over by a governor sent by the King to represent him.

After the revolution of 1688 in England, during which the Liberals overthrew the constitution, disestablished the legitimate monarchy and put on the throne a foreign race, their parliament by these illegitimate acts became the first power and sought to extend that power over the colonies of the empire. But these colonies from the very first refused to recognize that power, since they had parliaments of their own, whose unity in the empire rested solely on the constitutional supremacy of the Crown—as it existed at the time of their charters.

In their unconstitutional scheme for dominion the Lords of Trade of Parliament wrote as early as April 27, 1701, to Lord Bellemont, governor of New York and New England: "This declining to admit appeals to His Majesty in Council (that is a parliamentary committee under that name which the colonists were loathe to recognize) is . . . which you ought very carefully to watch against in all your governments. It is an humor that prevails so much in proprietaries and charter colonies and the independence they thirst after is now so notorious (since the usurpation of sovereignty by the London parliament) that it has been thought that these considerations, together with other objections against these colonies should be laid before parliament."

"This bill was aimed at the sovereign colonial charters and the proprietaries of Maryland, Pennsylvania and Carolina." (Scribner's, New Hampshire, p. 158.)

This commenced a long series of encroachments on the part of the London Parliament which was the completion of their illegitimate action against the royal