

UNIFORMITY OF LAWS IN CANADA.

BY EUGENE LAFLEUR, D.C.L., K.C.

In the minds of many Quebec lawyers the mere title of my subject will arouse antagonism and alarm. In 1663 Louis XIV. cancelled the charter of the One Hundred Associates and introduced into this country the laws of his realm, and from that date until the present time the civil laws of France have been in force, except during the brief interval between Governor Murray's proclamation in 1763 and the Quebec Act of 1774. The last mentioned statute recognized that the provisions of the proclamation, including the introduction of the laws of England into the colony, were inapplicable to the state and circumstances of the province, whose inhabitants had enjoyed a system of laws by which their persons and property had been protected, governed and ordered for a long series of years from the first establishment of the province, and in consequence restored the old laws of Canada. Throughout all the subsequent constitutional changes this system has been maintained, and section 94 of the Confederation Act of 1867 in providing that the Parliament of Canada may make provision for the uniformity of laws relative to property and civil rights in the other provinces of Canada (with the concurrence of their respective legislatures) omits Quebec from the enumeration of provinces affected by this section.

No wonder, then, that the Bar of this province should look with suspicion upon any project which may seem to have for its aim the submergence of the civil code in the rising tide of the common law around its borders.

Let me at once dispel all such apprehensions by saying that the movement in favour of uniformity which took its rise in the great Republic to the south of us does not contemplate any constitutional changes or the impairment of provincial autonomy. Mr. Terry, the president of the Commissioners on Uniform State Laws, in his admirable address delivered at Washington in October last, said:—