

language, and laws of Lower Canada. All of them opposed to progress, and the interests and sympathies of the Anglo-Saxon race. Let us examine the history of Canada under the English domination and ascertain by whose egregious folly and want of prescience the present state of affairs exists. How does it happen that this rock of offence in the shape of the Province of Quebec still remains in the channel to the port of Canada, obstructing and almost closing its entrance to the ships of progress and civilization. Why was it not blasted by good English gunpowder at the conquest? Why has not some attempt been made to cut out this unsound link from the chain of Provinces,—and replace it by one forged from English, Scotch or Swedish or German iron? preparatory to the welding it into one solid mass of legislative union metal.

In the articles of capitulation of Canada, 1760, the French, or "new subjects" as they were called, were guaranteed quiet possession of property, but the "custom of Paris," or system of French law was not preserved, but the inhabitants were to enjoy all the privileges of British subjects. So soon as Great Britain took possession of Canada, the Treaty of Paris, 1763, was put in force, and a proclamation from the Crown laid the foundations of the administration of this new colony, under the name of the Government of Quebec. The King announced therein that as soon as circumstances permitted, he would give to his new subjects representative institutions like those of the other English colonies in North America. Until that time the Crown reserved the power of erecting and organising courts of justice for the trial of all cases, civil as well as criminal, *conformably to law and equity and as near as may be agreeable to the laws of England*, with liberty to those persons who considered that they had reason for complaint with justice thus administered, to have recourse to the Privy Council of Great Britain. In the 4th article of the treaty of Paris the King promises that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Roman Church, *as far as the laws of Great Britain permit*.

This proclamation showed that England had as yet not determined upon any system for the government of Canada. Without doubt the English government proposed as their general object the causing the French Canadians to enter into the unity of British nationality; but it was a difficult work, and it was permissible to hesitate in the choice of means for accomplishing it. It was especially in the laws which regulated the constitution and the transmission of property, laws radically opposed to those of England, that the obstacles appeared insurmountable. Up to 1663, the authority of the French Governor had been absolute in Canada, even in judicial matters; at this time a tribunal was established at Quebec, and there was adopted by it as a system of legislation the *ordonnances* of the King, and the jurisprudence of the *arrêts* of the parliament of Paris. The English government prudently did not openly attack this system. They were content to alter gradually a state of affairs which kept up a barrier between the French population of Canada and the British element, by giving authority to Imperial legislation; waiting with confidence the absorption of Canadian customs into the body of British unity. Unfortunately for posterity, owing to the outbreak of the American rebellion the English government thought it right to endeavor to conciliate by every means the French Canadians in order to secure their attachment and fidelity in the approaching conflict. In 1774, Lord North pushed through the British parliament what is known as the Quebec act. This act repealed the declarations contained in the proclamation of 1763, and re-established the French laws and customs and the jurisprudence known as the *coutume de Paris*. This act met with violent opposition in the House of Commons.

In 1791, Pitt introduced the "Constitutional Act," it passed—it confirmed the French civil laws and *ordonnances* in force.

In 1857 the Civil Code of Lower Canada, based on the Code Napoleon became law;—and in 1867 Confederation took place instead of Legislative Union for the reasons given by Hon. John A. Macdonald, quoted elsewhere.

What is the result of Lord North's weakness in 1774 in swerving from the line of policy of the British Government, indicated by us, viz.: to make Lower Canada individually indistinguishable in the great oneness of the Empire; to Anglicise it and then incorporate it insensibly but irrevocably. What is the outcome of this weakness of the British Cabinet in the hour of danger?—a weakness often shown on this continent. In the *Sherbrooke Gazette* of 7th October, 1887, we read, in the editorial:—

"Silently, stealthily, slowly but surely the work is going on of uprooting the English speaking settlements in this Province and making Quebec wholly French and Catholic. Unless our English speaking and Protestant farmers are prepared to pack up bag and baggage and leave the Province, they should come forward and assert the freedom of the soil from clerical control and the servitude of French custom."

This is pointing a moral for ministers and men in power, the moral is never to swerve from the path of conscious rectitude or justice in order to gain some uncertain future benefits. To do otherwise is Machiavellian. Many a king or cabinet has sacrificed a good man and done him an injustice in order to satisfy the demands of a favorite or a supporter, but "vengeance is mine," saith the God of the humble and meek, "I will exalt the latter and confound his oppressors." That monarch and those recreant ministers tottered and fell. In the case of Canada repeated yielding by the British government to repeated solicitations on the part of the French Canadians has ended in the discomfiture of the former,—the oppression of the English—and the tottering weakness of the constitution of Canada. In 1774 the weak English minority in Canada were sacrificed to appease and please the French majority in Canada. Since 1791, the French majority in Lower Canada or Province of Quebec—nursed and petted by the British Government and a Canadian Parliamentary majority equally subservient and time serving, have ruled to the crushing out of English law, English energy, English capital and English people.

The population of the British provinces of Canada, have good cause for complaining not only of the civil codes of the Province, which are almost pure French or Roman law,—but they complain for themselves and on the part of the British element in Quebec of the administration of this civil law, the procedure under it, and the statutory law which is being annually spued forth from the legislative menagerie of Quebec,—a menagerie whose keepers and proprietors are "all shaven and shorn" and wear suits of cardinal red.

In Scotland as in Quebec the Roman law is the civil law of the country. Scotland and England both agree that the dissimilarity of laws is an undoubted evil, and that where it can be removed by means which will not offend the habits and ideas of the people, it ought to be removed. The result has been that England has approached nearer to the law of Scotland in certain points, and Scotland has in certain others adopted the more advanced principles of the English code.

But then in Scotland the official language is English and there is no mighty, restless and rebellious spirit, urging the people to antagonism with the English race,—no papal thirst for territorial aggrandizement.

The United Kingdom of Great Britain believes, with the old playwright:—

"Each state must have its policies;
Kingdoms have edicts, cities have their charters.
Ev'n the wild outlaw, in his forest walk,
Keeps yet some touch of civil discipline.
For not since Adam wore his verdant apron,
Hath man with man in social union dwelt,
But laws were made to draw that union closer."

The public men or rather publicans (in Roman sense, i.e. farmers of the revenue) of Quebec have disqualified the