

French-Canadians Have no Special Rights Under Treaty.

French-Canadians of all classes have been systematically taught to believe that they are endowed with certain distinctive privileges secured under the sanctity of special treaty stipulations. Of these asserted privileges the essential ones thus set up are the right to the enjoyment of their laws, their language and their religion—"Nos lois, notre langue, notre religion." They have proclaimed this so loudly and so persistently as an inviolable immunity they are entitled to enjoy that the end has so far been to do more than convince themselves of its truth. They have succeeded in bringing all the mass of the Canadian people not of their race to accept this as a fact which can in no constitutional way be challenged—in itself a gain of incalculable political advantage to the claimants. For years, indeed, it has served them just as effectually, politically considered, as if it indeed were true and incontestable. It remains now to enquire on what foundations claims of such supreme importance rest. If well founded no course is open for the majority but submission. They may be onerous and hurtful in their working or have become offensive to the other and superior nationality. Sacred treaty obligations must nevertheless be held inviolate, and the evils encountered be put up with, and endured as best they may. If, on the other hand, the special privileges claimed under treaty have not to-day and never had any existence, a constitutional remedy for the evils that have grown up under their exercise is already at the hand of the majority. The problem, formidable as it may at first glance seem, is really easy of solution, the historical documents which are able to settle the question finally being but two in number. These are, the Articles of the Capitulation at Montreal and the Treaty of Paris consequent on the fall of Quebec and with it the final extinction of French rule. Let us see what these important instruments say as to special concessions to French-Canadians in connection with their "laws, language and religion."

The Montreal "Articles of Capitulation" bear date September 8, 1760, the signatories being the Marquis de Vaudreuil on the part of the defeated French, and General Amherst, the English commander, representing the conquerors. After primarily insisting that "the whole garrison of Montreal must lay down their arms unconditionally," Article 27 concedes, "the free exercise of the Catholic, Apostolic, and Roman religion" to the vanquished people. On the other hand, the demand of "paying to the priests the tithes, and all the taxes the people were used to pay," was reserved "for the King's pleasure." This was the limit yielded on the question of religion, and it involves nothing more than the right of free and unmolested worship. The demand made, under Article 42, that "the French-Canadians shall continue to be governed according to the Custom of Paris and the laws and usages established for this country," is met by General Amherst with a refusal, and the stern and significant reply, "They become subjects of the King of England." As to the use of the French language, the instrument in question is wholly silent.

The Treaty of Paris, signed in 1763, is entirely mute on the subject of French law or French language in Canada. As to religion, Section 4 provides "the liberty of the Catholic religion to the inhabitants of Canada. They may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit." In other words, it is tolerated like any other Church or sect, neither more nor less.

There is absolutely no other treaty, convention, or similar document to appeal to. These two cover the entire question at issue, which is: Have the French-Canadians any special privileges secured under treaty? There is no reply

possible but a negative one. Not a loophole even for a doubt can exist.

It is thus seen that for the continued existence of the French laws in the subdued Province the Treaty of Paris not only wholly fails to provide, but the subject itself is not deemed even worthy of mention. Their continuation had, too, been already peremptorily refused when sought for under the Articles of Capitulation.

It is further manifest that the great Treaty in like manner also neglects to include any conditions in favour of the privileged use of the French language.

Similarly does this international agreement fail to confer any special privileges in connection with the Roman Catholic religion. It concedes the usual freedom of worship everywhere enjoyed, neither more nor less.

And that this involved the then settled Imperial policy in connection with the use of the French law and language and priestly Romish control in North America is further sustained by the terms of the Treaty of Utrecht. That instrument was signed in 1713, after the surrender of Nova Scotia or Acadie by France to England, nearly half a century before the fall of Quebec. It, too, not only fails to embody any provisions for the maintenance of French language and law, but it is conspicuously clear of any reference to either. On the remaining point under consideration, Section 14 provides that "those [French subjects] willing to remain are to enjoy the free exercise of their religion, according to the usage of the Church of Rome, as far as the laws of Great Britain do allow the same." But neither in Acadie nor Quebec is mention in any way made of an alien State Church with right to tithe or in any way to dominate. Mere toleration and freedom of worship are conceded.

That no concessions of the character claimed by the French-Canadians were made in connection with the capitulation is incontestably established by the immediately subsequent action of General Murray. That patriotic officer, then become Governor over the newly-acquired territory, with headquarters at Quebec, summarily suppressed all the ordinary courts, establishing in their place an exclusively military tribunal, which took upon itself to dispose of all civil and criminal matters that came before it. This tribunal remained in active and continued operation from about the period of Vaudreuil's surrender to the signing of the Treaty of Paris.

Further incontestable evidence could be found, were it needed, of the hollowness of these pretensions now set up by the French-Canadians. For instance, in the year 1763, and subsequent to the signing of the Treaty of Paris, a Royal Proclamation issued from London specially abolishing French law throughout Canada and substituting that of England.

The true and sole intent of the Treaty of Paris, as respects the newly-subjected people, is ostentatiously simple. The meaning can be derived equally from what is said and what is omitted. It consists substantially in an undertaking on the part of the conquerors that the inhabitants of the new vassal Province shall be maintained and protected in the full enjoyment of their property and the religion they profess. The negotiators on both sides, in framing the several clauses, properly dealt as with a conquest and not as with a compromise.

It becomes manifest from the foregoing that, contrary to almost universal opinion, French-Canadians have clearly no treaty title whatsoever to the claims they advance in favour of special immunities for their laws, their language and their religion. Any other title they may possess under which they exercise such special privileges is unquestionably extinguishable without any violation of the constitution. It may be worth while enquiring on another occasion how any such exemptions as are now exercised were really first obtained. Also, wherein the peaceful constitutional remedy for their removal is to be found.

ANGLO-SAXON.