

CHAPTER II.
SECURITIES AND GUARANTEES OF
THE BRITISH GOVERNMENT IN
REGARD TO THE CONSTITUTION

Articles of capitulation of Montreal, 8 Sept., 1760, relating to the government of the country in protection of the constitutional privileges of the inhabitants:

ARTICLE 27

I. "The free exercise of the Roman Apostolic and Catholic religion shall subsist so that the estates (nobles) and people of town and country, places and distant posts may continue to assemble in churches and frequent sacraments as formerly without being molested directly or indirectly.

II. "The people shall be obliged by the English government to pay to the priests in charge the tithes and other dues which they have been accustomed to pay under His Most Christian Majesty."

Agreed—For the free exercise of religion but the obligation of paying tithes will depend on the willingness of the King of Great Britain.

ARTICLE 37.

"The noblesse, the military and civil officers, the inhabitants of town and country . . . and all other persons shall preserve the complete possession of their privileges and goods, noble as well as common, real and personal, merchandises, furs and ships."

Agreed—In as much as the privileges and goods are not those of the King of France, which pass by this transfer to the King of Great Britain.

ARTICLE 42.

I. "The French and Canadians shall continue to be governed according to the *coutume de Paris* and the laws and customs established in the country."

II. "And they shall not be subject to other imposts than those established under the King of France."

Agreed—In regard to the laws and customs, but for imposts and other regulations they become subjects of the King of Great Britain.

TREATY OF 1763 RELATING TO
CANADA.

King's Prerogatives:—"His Most Christian Majesty renounces all pretensions

which he has hitherto formed or might have formed to Nova Scotia, or Acadia, in all its parts and guarantees the whole of it, with all its dependencies to the King of Great Britain. Moreover, His Most Christian Majesty cedes and guarantees to His said Britannic Majesty in full right Canada with all its dependencies as well as the Isle of Cape Breton and all other islands and coasts in the Gulf and River St. Lawrence, and in general everything which depends on said country's lands and coasts, with the sovereignty, property, possessions and all rights acquired by treaty and otherwise which His Most Christian Majesty and the Crown of France have had till now over said countries. . . . and that in the most ample manner and form, without restrictions and without any liberty to depart from the (meaning of) said cessions and guarantees under any pretense."

No sooner were the English in possession than the Whig, or Liberal, ministry caused to be issued the Royal Proclamation of 1763 in direct violation of International Law, of the capitulations of Montreal of 1760 and of that clause of the Treaty of 1763 in which England agreed not to change "under any pretense" the conditions of the country.

ROYAL PROCLAMATION, OCT. 7, 1763.

This proclamation created the present Province of Quebec and effected to disregard the constitution of the country in the following words: "We have also given powers to the said governors, with the consent of our said councils and representatives of the people, so to be summoned, as aforesaid, to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said colonies and of the people and inhabitants thereof as near as may be agreeable to the laws of England."

By this revolutionary act, every Canadian was absolved from any oaths of allegiance he might have taken to the British Crown and connection. A revolutionary, or unconstitutional act has such a result, since the constitution is an irrefragible contract transmitted from generation to generation that establishes the bonds of faith and loyalty between the people and their government. It happened that for similar revolutionary acts of the English government towards their own colonies towards the South, in which parliament sought to violate the colonial charters which were granted by the Stuart Kings, and which recognized royal