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Why the "Lawes of Virginia"

A few months ago, an industrious Judge, Mr. Justice Chisholm, in Nova Scotia, discovered, in some hitherto neglected records, the Minute of the Order which provided for the first establishment in what is now Canada, of a Court of Judicature to administer English law. The Minute directed that the "Lawes of Virginia" should be followed as the rule or pattern. That was in 1721, when Virginia was still British, and when its boundaries were much more extensive than at present. What was known as Canada up to the date of the British North America Act 1867, was, in 1721, French.

The "Lawes of Virginia" were therefore introduced into a part of what is now Canada, which lay to the east of French Canada, and, when the Dominion was formed by the federation of 1867, became part of Canada. It is an interesting question why the "Lawes of Virginia" were chosen rather than those of any part of New England, rather than those of Old England. Harvard University was founded in 1635, although its charter was not issued until some years later. Eastern Canada, even in those early times, had constant communication with Boston, in 1721 a flourishing town. We may therefore ask why the Laws of the Commonwealth of Massachusettes were not chosen. We may also pertinently ask by what merciful Providence, Canada has so far escaped the Blue Laws of Connecticut.

A writer of that time said that "Pennsylvania did not need either the tongue of the lawyer or the pen of the physician, both being equally destructive of men's estates and lives." This makes it plain why the Laws of Pennsylvania were not chosen.

It has been unkindly suggested that the "Lawes of Virginia" were chosen because legal fees were higher in rich Virginia