

SIR GEORGE CARTIER.

seems to us to be the formation of a code of case law by a state commission composed of the ablest jurists attainable. Probably no country but England could at present find the men to do the work. No doubt it would be a gigantic undertaking but it could be done, and such a code once adopted could be revised at stated intervals. Then the touchstone in all cases would be the propositions of the code as modified by the decided cases since the last revision. A large measure of certainty would take the place of uncertainty; an immense number of unsound decisions by incompetent judges would be consigned to oblivion, and the evil tendency of the present state of things would cease.

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SIR GEORGE CARTIER AND THE
CIVIL CODE.

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We have been reminded pleasantly, but a little reproachfully, that our columns have never contained a tribute to the memory of the late Sir George Cartier, an eminent statesman and lawyer under whose auspices, as Attorney-General for Lower Canada, the Civil Code of that Province—the first work of the kind ever attempted in Canada—was projected, drafted, and brought into force as law in 1866. A lawyer who loved his profession and its professors, and its supporters too, for his favourite toast at a Bar dinner was "The Client," adding a few words in praise of that always welcome personage. We are going to try to remedy this omission in our present number by the insertion of two articles, the first by a hand which will not be suspected of flattery, and the other by an old and valued contributor of ours, a lover of our deceased brother in the law, the most English of French-Canadians, an Englishman speaking French.

The first extract, taken from a recent issue of *The Week*, is as follows:—

Sir George Cartier, whose statue was unveiled the other day by his old friend and colleague Sir John Macdonald, may be classed among the best representative French Canadians. More perhaps than any other of our public men he combined in his own person the theoretical and the practical Reformer. In his career were seen strong marks of the rude transition from the oligarchical to the constitutional system. Against the former at an age when the blood is hot and wisdom young he fought at St. Dennis, where discipline prevailed over ill-armed enthusiasm, and he found refuge in exile with a price upon his head. The belief was for some time general that in his attempts to escape he had perished miserably in the woods. Exile did not sour his temper, and when, the storm having blown over, he returned, no one was jealous of the undistinguished young advocate, who was only known for the hair-brained adventure in which he had taken part, and in which nothing but defeat had ever been possible; and no one in his wildest dreams saw in the returned exile the future Premier, no one had any interest in curbing his ambition and holding him back. Cartier did not, like Papineau, in 1848 look to France for a model; he accepted in good faith the new Constitution, and determined to make the best of it. The redeeming point in the Conquest of 1760 was in his estimation that it saved Canada from the misery and the infamies of the French Revolution. Though he bore his part in carrying the leading measures of his time, Cartier's best monument is to be found in the Code of Civil Law and the Code of Procedure: a code common to the whole country was an achievement impossible to our public men. In the first he saw the individuality and the nationality of his race and his province. He used to say, half in jest and half in earnest, though he could not seriously have believed the prediction, that Ontario would one day borrow the civil code from her French neighbour. A French-speaking Englishman, as he would on occasion call himself, he settled in favour of his race the long-contested question of which law should prevail in the Eastern Townships, French or English, with the result that the French population which was before gaining ground, bids fair entirely to swamp the English in a region where Lord John Russell thought it desirable to build up a rampart of English colonists between the French settlements and the American frontier: a project founded on a state of things which has entirely passed away. Judicial decentralization in Quebec was one of Cartier's most difficult achievements; the local opposition aroused by dividing the Province into nineteen new judicial districts being of the most formidable nature.