

"The Council concurred and it was ordered that the several Land Boards take course for preserving a registry of all persons falling under description aforesaid, so that their posterity may be distinguished from other settlers." (Loyalist Act of 1789.) Thus was recognized by law the French and Anglo-American Royalists of the Revolutionary Period (1776-83) as a superior class, or noblesse in Canada. Their descendants in such an order exist to-day in Canada as the United Empire Loyalist Association under the presidency general of Sir William Johnson, Baronet (1904) of Chambly, Canada and Middlesex, England. In Nova Scotia, the Order of Baronets, apart from their territorial prerogatives had a representation in the Council of the Governor. In Maryland, where the governorship was hereditary, as a fief from the Crown (King James II.) in the family of Lord Baltimore, the lords of the manours established in that province, assisted the governor and his officers in the administration. In New York where the Dutch had granted manourial dignities with representative function under the title of Lord Patron and the British Kings Charles II. and James II., had continued them and added to them, a representation was had in the Governor's Council for this noblesse. Even in early Massachusetts the most democratic of all the colonies. "There was provision that the magistrates should be men of quality." (PalFREY, Hist. of New Eng., Vol. I., p. 389.) And after the establishment of a royal charter during the reign of King Charles II., the councillors were appointed by the Crown from the colonial aristocracy. In South Carolina, during the proprietary government a regular order of nobility bearing the title of Landgrave (Earl) and Caelque (Viscount) exercised the local administration under the presidency of the palatine, or governor. But after the royal charters were established, they, as part of the aristocracy, were represented in the Council.

As for the composition of this Council in all the colonies where the aristocracy was not erected into a nobility for administration, Raper's Hist. of North Carolina gives the most exact description. "The personal composition of the council was a matter in which the home authorities and governor were supposed to be much interested." (P. 83.) "To have an efficient Council it was necessary to have the ablest and best men. It was his duty to keep a list of the best men and of their qualifications before the Crown. The King . . . in making the final choice

was in the main influenced by what the Governors had to say, but not always." "They understood the position of the Crown . . . and likewise that of the colonists." p. 84). . . "The Council contributed much to good government in the colony." . . . "It exercised a beneficial restraint on the Lower House, prevented the governor making many mistakes and brought respect and dignity to the Royal Government."

The councillors received no salary and little or no allowance, since their office was a right due themselves as an aristocracy, and not an employment (p. 77). The number of councillors was 12, and they shared in the administration so much that the governor could not act without the concurrence of five at least (p. 74). And they alone could reject a bill, or order it engrossed by both houses (p. 76.) The composition in the other charter colonies was the same for the council—it was to be selected from a list of the chiefs of the best families of each particular colony. The system in the Carolinas was no new plan "As this was the old system of feudal England and of many of the continental states." Raper's "North Carolina," p. 4.

THE COLONIAL PARLIAMENT.

Every act of the British government passed in relation to establishing authority for a parliament in Canada beyond what existed in the Anglo-American parliaments is, by previous agreement with the Anglo-American Royalists and Loyalists of 1778, contrary to the colonial constitution, as well as to the ancient Canadian constitution, and ipso facto, null and void. Acts passed in conformity with this constitution alone are valid.

Privileges of parliament come as franchises from Crown and Council. In all matters, therefore, parliament is subordinate. The legality of parliamentary existence cannot pass beyond the franchise of its creation. In the Anglo-American colonies it could pass "No act for levying money, imposing fines and penalties unless with a clause stating expressly that they were for the Crown and for the benefit of the province." (Raper's "North Carolina," p. 86.) "The Crown's revenue could not be lessened or impaired without Royal permission." "No provincial parliament can legislate on the Royal prerogative." "No laws can be re-enacted that have been disallowed by the Crown." (p. 87.) The crown lands are beyond its disposal, trusteeship being