

The pungent mot of the President de Harlai (sometimes attributed to Voltaire) in regard to the severity of this ordonnance is well known: "If I were accused of having stolen the towers of Notre Dame, I should begin my defence by taking to flight." This was a very reasonable precaution in days when torture was constantly made use of, and when criminal judges were eager, not so much to discover truth, as to convict the accused.

Voltaire thus describes them: "In the Dens of Chicanery the title of Grand Criminalist is given to a ruffian in a robe who knows how to catch the accused in a trap, who lies without scruple in order to find the truth, who bullies witnesses and forces them without their knowing it to testify against the accused . . . he sets aside all that can justify an unfortunate, he amplifies all that can increase his guilt; his report is not that of a judge, it is that of an enemy. He deserves to be hanged in the place of the citizen whom he causes to be hanged!" Voltaire, VII, 387, Dictionary of Philosophy.

In 1763, by the Treaty of Paris, the French King ceded and guaranteed to the King of Great Britain in full right, Canada with all its dependencies. In the same year George III. issued a royal proclamation, by which power was given to the Governors of the various colonies to enact and constitute "courts of judicature and public justice, for the hearing and determining of all causes as well criminal as civil according to law and equity, and, as near as may be, agreeable to the laws of England." This proclamation was considered by the English officials and inhabitants to have introduced the English civil and criminal law into the new province, and they acted in practice in accordance with this view.

The "new subjects," the French-Canadians, were greatly dissatisfied with the introduction of the English law relating to civil matters, claiming that they were entitled to have their old laws relating to property and civil rights continued in force. To allay their increasing dissatisfaction the "Quebec Act" (14 Geo. III. c. 83, A.D. 1774), was passed; by which it was provided "that in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada as the rule for the decision of the same." By this the body of French laws and customs that were in use in Old Canada at the time of the conquest in respect of civil matters were reintroduced, to the great contentment of the French-Canadians.