

replaced Harold, the Saxon, on the throne of England, in 1066, he did not bring anything more to the royal prerogative, or anything less, but that, according to his claim of succession, it was but a change of person, not of prerogative. In like manner it was but a change of person but not of prerogative when George III. of England replaced Louis XV of France as Sovereign Lord of Canada in 1763. Now the prerogative of the King of France was no more extensive—so far as executive authority is concerned—than that of the Stuart Kings at the time of the colonial charter grants in America—so that on this score the French of Quebec, the ancient inhabitants of Nova Scotia and the L. E. Loyalists of New Brunswick and Ontario are in the same understanding historically in regard thereto. The Governor, the Earl of Dalhousie, was lawyer enough to have understood this legitimate succession of prerogative, for in 1824 he demanded that the ecclesiastical office be at the nomination of the British Crown since the British King had succeeded the French King as head of the Gallican Church in Canada.

In another case, and from a different point of view, Governor Metcalfe believed that the Crown prerogative is superior in its executive functions independent both of parliament and ministry in Canada. "That it must be endowed with some comprehension of power in the use of which it should not be subservient to the ministry. In this belief, he made several nominations without consulting the ministry (Liberal) that protested" (Turcotte in "Canada sous L'Union").

THE NOBLESSE.

The noblesse is as much a part of the constitution (monarchical) as the King, and more so than the parliament since parliament is a creation by law, but both King and noblesse have existed before laws were written. "Among the Germans, Tacitus describes a war-bred aristocracy that conducted the nation to battle and judged it during peace. At Rome, at least, under the Empire, the aristocracy was, above all, a caste: it was a state within a state." (Beaume, "Hist. du Droit Coutumier Français," p. 145); "The Gallic nation was divided into three classes, that of the nobles, that of the druids, and that of the people." (Glasson, "Hist. du Droit, etc., de la France," Vol. I., p. 104.) "The illustrious nation of the Franks, constituted

by the hand of God, strong in war, profound in council, of noble stature, of primitive beauty of blood and form, watching science further, according to its custom dictated the Salic Law by the counsel of its nobles (glands) '—Prolongue on the Salic Law. Among the Saxons the nobility issued from the military leaders (Blackstone).

In the administration they participated with the King, as his council in making the laws and administering the kingdom. After the representation of the people in a parliament was established for purely financial and commercial purposes, the nobility, as a senate, a council, or a house of peers, existed apart, and in company with the King, held to all matters of diplomacy, justice and administration. In every colony this separate house or council was established for the representation of the aristocracy, or noblesse, settled in the colonies.

In ancient Canada representation to the Sovereign Council was reserved to the seigneurs and noblesse by the Coutume de Paris, the Loi Feodale, and the Du Rocher Commission. "La noblesse se convoie des fiefs, seigneuries, et autres dignités relevant de nous (le Roi) à la charge qu'ils serviront à l'entretien et défense des dits pays." And by the

"Ordonnance d'Orléans," Article 258 (in force since 1579): "Les roturiers et non-nobles, achetant fiefs nobles, ne seront pour ce annoblis ni mix au rang de nobles de quelque valeur que seront les biens acquis par eux." In the "Ordonnance" relating to Canada and the "Compagnie du Canada," of 1661, it is stipulated that foreign nobility entering the country and becoming "regicoles" or enfeudated to the King "ne déroge non plus de leur noblesse"—that their rights of nobility shall not be lost. Under this clause, European nobility established in America since the reign of the Emperor Charles V in the XVI century (reorganized in the Aryan Order of the Empire), deprived of privilege by the insurgent democracy in America—has become seated in Canada.

In the Council of Quebec, Nov. 9, 1789, in presence of the Royal Governor, Lord Dorchester, and of the Counsellors, the Hon. William Smith, U.E.L., Hugh Finlay, U.E.L., J. G. C. de Lery, U.E.L., F. Baby, U.E.L., Charles de LaBaudrière, U.E.L., Col. Lecompte Dupre, U.E.L., His Lordship intimated to the Council that it was his wish to put a mark of honor on the families that had adhered to the Unity of the Empire and had joined the Royal Standard in America before the Treaty of Separation in the year 1783.