

law in "all cases relating to property and civil rights," thus ousting from the province all that was left of English law in its application to other than criminal causes.¹ This was a very welcome concession to the French-Canadians, and doubtless had some influence in keeping them from casting in their lot with the revolting American colonists to the southward. By these latter, as is well known, the change was regarded as a species of treason to Anglo-Saxon institutions, and in the Declaration of Independence George III was rebuked, *inter alia*, "for abolishing the free system of English law in a neighboring province." At any rate, the Quebec Act restored in its entirety the civil jurisprudence of the old régime, and it has remained in full force throughout the Province of Quebec down to the present day. The English criminal law has, however, existed side by side with it from the outset.

During the half century following the restoration of the old law system many changes were made in it; for the legislative authorities of the province had been given power to change it by enactment whenever changes might seem desirable. In 1785, for example, the provincial authorities made provision that in all commercial causes the English rules of evidence applicable to such proceedings were to be followed. These English rules of evidence in commercial causes were founded, however, on the rules of the old law merchant, and as they were in their origin rather international than national they did not differ in essentials from those which were prescribed in the Ordonnance de la Marine of 1681,² one of the Grand Ordinances which had never been registered in the colony. Other statutes made important changes in various branches of the law, and the abolition of the seigniorial system of land tenure in 1854 made a very radical change, not in the law itself but in one of the chief subjects with which the civil law had to deal. During this period, moreover, a considerable development took place through the agency of judicial decisions. The judges of the province turned constantly for enlightenment to the commentators of Old France, to the decisions of French courts, and, above all, to the provisions of the Code Napoléon after that compilation had been prepared. In many respects the provincial jurisprudence, therefore, while professing to be a perpetuation of the old legal system, was steadily departing from this latter. Through the channels

¹ 14 Geo. III. c. 83.

² This ordinance may be found in Isambert's *Recueil général*, vol. xix. pp. 282 ff.