

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

The necessity of municipal government as a means of progress appears to have been felt by the new government. Upon the requisition of the procurator-general, the Sovereign Council in 1663 called a meeting of the citizens for the election of a mayor and two aldermen; whereupon the chief inhabitants of Quebec and its environs assembled and chose Jean Baptiste de Repentigny as their mayor, with Jean Madry and Claude Charron as aldermen. The council appears to have become alarmed, for, these persons acting, it is presumed, under pressure, resigned. Then the council declared that, considering the peculiar condition of the district and the fewness of its inhabitants, one head deacon to be elected by the people would suffice for the time. When one was chosen accordingly, his election was annulled by the ruling party in Council, under the pretext that it was not satisfactory to a majority of the constituents. The electors were convoked once more, but few attended this time . . . The Governor then addressed a circular of invitation to safe parties who made choice of a new chief deacon, despite the demurring of the chief citizens, and protests of a minority in Council. The election took place in the presence of the Governor. To the person thus elected the Governor administered the oaths of office, despite the protests of some members of the Council. "From this time forward," says Garneau, "there was no further question of free municipal government in Canada, so long as French domination endured, although a nominal syndicate existed for a short time after that now under review. He adds that he has been all the more particular in giving these details "because the popular elections, which were then first projected, and forthwith caused to miscarry, were the only examples of the kind known to our annals. In that age the metropolitan executive was bent on stifling all aspirations of the people for freedom, either at home or in the colonies, but more especially dreading any liberal pretensions in the latter." In support of this the historian quotes the official project for the government of New France, drawn up by Messrs. de Tracy and Tabon in 1637. One other attempt was made, however, to introduce municipal government.

In the re-organization of the government of which we have been treating, the power of taxation was reserved absolutely to the King. A decree issued by Louis XV. in 1742, stated that "the governors and intendants have no allowance to levy imposts; that is a sovereign right which His Majesty communicates to none. It is not even lawful for the people to tax themselves, except by our permission."

The second attempt to establish municipal institutions was made by Frontenac in 1672. He seemed to think that representative institutions of even a higher character should be established. Under pretence of desiring to administer the oath of allegiance to the whole people, he, on October 23rd, 1672, soon after his first arrival, convoked the three estates of Canada at Quebec with as much pomp and splendor as circumstances would permit. For the order of the clergy he had abundant material. Three or four *gentils hommes*, of Quebec, and a number of his officers represented the nobles. He formed a third estate of merchants and citizens; and the members of the council and the magistracy he formed into another body. When they had assembled he delivered a speech carefully prepared, which seems not to have differed much in form or tone from speeches afterwards delivered from the throne by British Governors, except that he did not propose

any measures for their consideration, or invite them even to advise as to what legislation may be desirable. Afterwards he applied himself to another work, that of giving a municipal government to Quebec after the model of some of the cities of France. In place of the syndic, an official supposed to represent the interests of the citizens, he ordered the public election of three aldermen, of whom the senior should act as mayor. One of the number was to go out of office every year, his place being filled by a new election; and the Governor as representing the King reserved the right of confirmation or rejection. He then, in concert with the chief inhabitants, proceeded to frame a body of regulations for the city, destined as he again and again declared to become the capital of a mighty empire; and he further ordained that the people should hold a meeting every six months to discuss questions involving the welfare of the colony. These proceedings were not approved of at Paris. Colbert, in reply to Frontenac's dispatches, wrote: "Your assembly of the inhabitants, to take the oath of fidelity, and your division of them into three estates may have had a good effect for the moment; but it is well for you to observe that you are always to follow in the government of Canada the forms in use here; and since our Kings have long regarded it as good for their service not to convoke the states general of the kingdom, in order perhaps to abolish insensibly this ancient usage, you on your part should rarely, or to speak more correctly, never give a corporate form to the inhabitants of Canada. You should even as the colony strengthens suppress gradually the office of the syndic, who presents petitions in the name of the inhabitants; for it is well that each should speak for himself, and no one for all."

Under such a system the establishment and development of municipal institutions worthy of the name was evidently impossible, and the colonists, few in numbers, and engaged in warfare almost perpetual, at first with the fierce Iroquois, and afterwards with the English, had little time, and probably little inclination, to seek such a change in the system as would permit the growth of self-government. The tenure of land *en fief* and *en roture* might perhaps have been reconciled with the adoption of a municipal system, but it is surprising to learn that not only their own system was guaranteed to the French Canadians by the Act of 1774, but that in 1775 instructions were sent from England, directing that all grants of land within the Province of Quebec, then comprising Upper and Lower Canada, were to be made *en fief* and *seignior*. And even the grants to the refugee loyalists and officers and privates of the colonial corps, promised in 1786, were ordered to be made on the same tenure. To what extent the section of the Quebec Act, which provided that the inhabitants of any town or district may be authorized to "assess, levy and apply for the purpose of making roads, or for any other purpose respecting the local convenience and economy of any town or district, such sums as may be necessary," was operative before 1791, it is difficult to ascertain; but Lord Durham, writing of the French Canadians in 1839 said: "The higher classes and the inhabitants of the towns have adopted some English customs and feelings, but the continued negligence of the British Government left the mass of the people without any of the institutions which would have elevated them in freedom and civilization. It has left them without the education, and without the institutions of local self-government, that would have assimilated their character and habits in the easiest and best way to that of the Empire of which they became a part. They remain an old and stationary society in a new and progressive world." What he here ascribed to negligence, Lord Durham elsewhere attributed to a settled although mistaken policy.

To be Continued.