

instead of a *ceded* country, because the word *conquest* happens to be met with in a statute, * or that the argument "whatever the treaty, &c., may aver," will convince any person that any legislature can validly violate the pledged faith of nations, regarded as sacred by the universal sentiment of mankind in every age of history.

And is section 8 of the Quebec Act, lauded by the honorable Judge as "having removed all possible difficulty upon that score," contrary to the stipulations of the Treaty of Paris? No, not in the least; it expressly confirms the Treaty, inasmuch as it enacts that "the inhabitants of Canada may hold and enjoy their property *and all other their civil rights*, and that in matters in controversy relative to property and *civil rights*, resort shall be had, &c. and that all causes instituted with respect to such property and *rights* shall be determined," &c. How can the words *civil rights* be reconciled with the transmission of the ecclesiastical law of *La Nouvelle France* or *l'appel comme d'abus*, into the British province by virtue of the above-mentioned clause of the Quebec Act? No doubt, the ecclesiastical law before the cession respecting temporal matters, was included in that section as forming part of the *civil rights*, but not spiritual or ecclesiastical rights properly

* Chief Justice Draper of Ontario lately remarked in the Provincial Anglican Synod that this colony had been obtained by *conquest* and not by *cession*. The learned judge added, however: "The conquest was ratified by a subsequent treaty conveying to the inhabitants confirmation of the rights which had been secured to them by the articles of the capitulation." Before the definitive treaty of 1763, the country was occupied conditionally by the British troops; the fortresses of Quebec and Montreal were not taken by assault, but capitulated on terms which show in the clearest manner that the fate of Canada was to be decided by the Treaty of Peace,—See articles 5 and 6 of the capitulation of Quebec, and articles 9, 13 and 30 of the capitulation of Montreal,—and the Treaty far from recognizing the conquest, makes a cession of the colony subject to certain charges. Forsyth (Constitutional Law, p. 26) also affirms that Canada was acquired by cession. The word *conquest*, used in a legal or historical sense, is a very incorrect one, and the use of the expression should therefore be discountenanced, as was lately done by the honorable Mr. Justice Mondelet, who peremptorily stopped a counsel who had made use of it, with this remark: "Ne pensez-vous pas qu'il vaudrait mieux ne pas se servir de ce mot de *conquête* en parlant de la cession du pays par la France à l'Angleterre? On ne peut pas dire que nous avons été conquis; ça été une cession honorable et non pas une conquête."