

the state of the Province was not then yet ripe for the establishment of an Assembly.

These were not the only petitions with which the Earl of Dartmouth was at this time troubled. The Franco Canadians, while expressing every confidence in the British government, petitioned for a restoration of their ancient laws, privileges, and customs. They petitioned also to be admitted to a share of the civil and military employments in the gift of the government, from which it appears they were excluded. They petitioned further for an extension of territory, to include "all the upper countries known under the names of Michilimackinac, Detroit, and other adjacent places, as far as the river Mississippi," and for a re-annexation of the coast of Labrador, which formerly belonged to the Province.

The desire for an extension of territory arose out of a desire to improve the fur trade in the West and the fisheries in the East. The petitions were signed chiefly by the noblesse and other landed proprietors of the Province.

So far as can be ascertained, none of these last petitions received immediate attention from the home authorities; but the reports of the crown law officers on the state of the laws and proposed changes were more fortunate.

The result of the reports made by the British and Colonial crown officers was that the English ministry introduced, and, notwithstanding strong opposition and much excitement here and at home, passed the Quebec Act. (14 Geo. III. cap. 83.) The three chief points of objection were the recognition of the French law in civil cases—the want of a representative assembly—and the abolition of trial by jury. Without doubt, if England were to have consulted her own behests, irrespective of locality, not one of the three points would have existed.

The first was a concession to the Franco Canadians, forming as they did a majority of the inhabitants of the Province, made with a view to reconcile them to their new rulers and to disturb as little as possible landed titles and other near and dear interests. Some writers have contended that as property was secured to the inhabitants of Canada at the time of the conquest, the laws defining, creating and modifying it, were also retained: but the position has been much disputed.

The second, was the result of a dread there existed of confiding legislative power to a people, recently conquered, of strong predilections for their former nationality, and consequent dissatisfaction with British institutions. If this were the real cause, and it is said to have been, it is a cause of self-congratulation that it no longer exists.

The third, was a concession made from motives similar to the first; for it was said that a Franco Canadian gentleman would think himself degraded and more hardly judged

by being submitted for life or limb to the judgment of his tradesman, than if he were put to the question and tortured by the king's authority.

The Quebec Act (14 Geo. III. cap. 83) was passed to make more effectual provision for the government of the province of Quebec. It recited the proclamation of 1763, and extended the limits of the Province. It also recited that the provisions made by the proclamation in respect of the civil government of the province, and the powers given to the governors and other civil officers, had been found upon experience to be inapplicable to the circumstances of the country. It enacted that the proclamation and commissions under which the government was then administered, and all ordinances made by the governor and council relative to the civil government and administration of justice, and all commissions to judges and other officers, should be revoked, annulled and made void, from and after 1st May, 1763. It also enacted that his Majesty's Canadian subjects might hold and enjoy their property and possessions, with all customs and usages relative thereto, and all other their civil rights, in as large, ample and beneficial a manner, as if the proclamation, commissions, ordinances and other acts and instruments had not been made; and that in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada—the old French law—for the decision of the same; and that all causes thereafter to be instituted in any of the courts of justice to be appointed within and for the said province, should with respect to such property and rights be determined agreeably to the laws and customs of Canada, unless varied by ordinances of the Governor General and Council, to be appointed as therein provided.

It authorized the owner of any lands, goods or credits in the province, having a right, to alienate the same in his life time, by deed of sale, gift, or otherwise; to devise or bequeath the same at his death, by his last will and testament, such will being executed either according to the laws of Canada or according to the forms prescribed by the laws of England. It recited that the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, had been sensibly felt by the inhabitants from an experience of more than nine years, during which it was uniformly administered; and enacted that the same should continue to be administered, and should be observed as law in the province, as well in the description and quality of the offence as in the method of prosecution and trial and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of criminal law or mode of proceeding thereon which prevailed in the province before 1764, subject to amendments or alterations by the Governor and Council.