

the use of language—such as we find in Garneau—implying that the early Governors were to blame in nominating only their partisans as members of the Executive Council. Its original object was not to act as an additional check upon the Governor, but to assist him in carrying out his policy.

Successful as the new system of government was upon the whole, for it satisfied the inhabitants of the Province and kept it in the possession of the English King during the American invasion, certain difficulties shewed themselves which were inherent in the situation. Prominent English merchants could hardly be kept out of the Legislative Council, and there they renewed the old dispute as to the introduction of English law. In 1785, the Home Government directed the Legislative Council to issue an ordinance establishing the law of *Habeas Corpus*,—probably only to quiet discontent, for it is almost certain that no difficulty would have arisen in obtaining a writ of *Habeas Corpus* as the law already stood. Unfortunately, a Chief Justice Smith had been appointed, strongly in favour of the introduction of English law, who maintained that the Quebec Act did not deprive Englishmen of the right to have recourse to English law when the action lay between Englishmen only, and that it did not prohibit the introduction of English mercantile law. The result was a very general uncertainty as to the state of law in the Province, and much divergence of practice among the Judges.

As to a Legislative Assembly, for a while the English party as a body acquiesced in the decision of the Quebec Act. As one of their chief representatives said in 1784: "It is doubtful whether there would be any advantage in our having a Legislative Assembly in the present state of the country; for the old subjects of the King, namely, those British born would have no chance of being elected by people of the French Canadian race."