Judge Riddell on Canadian Constitutional History; Address to Toronto and London Canadian Clubs

Development of Political Institutions of the Country | courts of law and of equity respective-From the French Regime Down-Status of the Seignior, the Habitant and the Priest-Changes Wrought By British Conquest-Religious Difficulties-Quebec Act.

The following is the full text of an and made the very best of soldiers for address activered by Mr. Justice Rid- the kind of country in which they were dell, of the Ontario High Court, before the Canadian Clubs of Toronto, and London. It's an admirable review of Canadian constitutional history, with Illuminating comments by the speaker. The Advertiser publishes below a first installment and will complete it in next Saturday's Advertiser:

Before the conquest of Canada by the British in 1759-60, the government and constitution of our country were -New France was as nearly possible a transcript in this regard of the old France across the sea.

King of France was represented by a governor appointed by the King-usually a noble, who desired to replenish his coffers from the wealth of the new land; he had in Canada uch the same powers as the King in France: but had always with him watchful guardian of the interests of the King and of France, the intendint-and the intendant had also very large powers indeed, particularly in respect of finance, police and justice. Then there was a council, not elected but appointed, who acted as a combination of judge, lawyer and administrator-the King, however, could disapprove and thereby nullify any act

There was no such body as a Parliament in the English sense: but the country was governed on feudal prin-

the noblesse-the seigniors who owned the land; they paid homage to the King, and had under them the peasants ("habitants" as they called themselves) to whom they leased land to be held on much the same terms as

The Seignior's Position.

Not only did a seignior when he succeeded to his estate pay homage to the King, his feudal superior, but when he sold or transferred his seigniory he sold or transferred his seigniory he sold or transferred his seigniory he Paris signed 10th February, 1763,— the determination of tailors and shoewas obliged to pay a part, usually (at least in theory) a fifth part, of the purchase money to such superior. He also had the glorious privilege of being eligible to be appointed a member of the superior council—if the authorattles saw fit—he might also have a commission in the militia—for in time commission in the militia—for in time proclamation was issued establishing of war all the inhabitants of Canada in the extensive and valuable acquismight be called upon to do service in the army under the governor or other commander. Very often he did not own his land in the fullest sense— (Those who have studied botany

nior's mill and to pay for such grind- make sure of the precise meaning of majesty's promises in his proclamation

If he went to another mill, that the words used, did not relieve him from paying his seignlor all the same. If a habitant, was the beginning of the third period, being the feudal inferior, desired to the governor was given power, with dispose of the land which he held, the advice and consent of the council, Quebec as containing all the territory he was obliged to pay a substantial to summon and call general assem- now the provinces of Quebec and Onpart of the purchase money to the blies, and the governor with the conseignlor; and worse, the seignlor might sent of the council and representatives lish colonies to the south, down the himself take the land within forty was to make laws for the welfare and Mississippi to Louisiana. The procladays of the sale. He was liable to the good government of the colony "as mation of 1763 was annulled, Roman corvee, or forced labor, for his seignear as may be agreeable to the laws nior, as in France; he must give the of England." He was also, with the free exercise of their religion and seignior one fish out of every dozen advice of the council, to erect courts of their clergy to receive their accusof those caught in seigniorial waters; justice to hear and determine all tomed dues—all matters of property

repair manor-house, church or mill. But while the peasants had no part minster. in the government of the country, and were inferiors, their lot was immense-

of his rank with whom to associate.

They were free, bold and adventur- and all was to be in confusion. ous, frugal, industrious and moral; | Courts of king's bench and common possible defection of

ointed with inferior jurisdiction. An Anglo-Saxon Monopoly.

from the English colonies to

Many if not most of the English-peaking inhabitants of Canada came

south, some too came from England; and these, Anglo-Saxon fashion, practically monopolized the control of the

country-and they appear to have

'run" the courts as well. The many

French-Canadians and the few Brit-

ish-Canadians found it impossible to

agree: complaint and counter-com

ing of a group of officials appointed

the old regime; and in it, many well-

The French-Canadians ignored th

were presented to the governor signed

Religious Difficulties.

While the French had been by the

reaty of Paris assured of the free ex-

ercise of their religion, it was appar-

ent that no Roman Catholic could of

plaint were made to the King.

found a place.

called upon to fight. The Cure.

Next to, if not indeed sometimes executive council was formed, consistabove the seignior, was the curesometimes the only one in a seigniory by the governor. This was not unlike except (or possibly not even excepting) the seignior who could read and known men of the Canadian nobless write. The essentially religious charocter of the French-Canadian is seen in the high place the cure held in his regard—a place which is little lower seemed impossible to get them to take now than it was a century and a any interest in a movement for such half ago. Indeed it has been said that body: it was not thought practicable the Canadian cure exercised in Can- to institute a representative chamber ada, the power in France of the King, under such circumstances. Petition the noble and the priest.

But neither priest nor peasant had by the British residents only, asking any part in making the laws by which for a legislative assembly, but the gov they both were governed; their gov- ernor reported to the Home Govern ernment was arbitrary and mili- ment that the Canadlans had refuse they were accustomed to to join in the petition. The main i obey their superiors - and anything not the only difficulty lay in religion. more unlike a constitution in our latter day sense than was the mode of government of that happy and fearless primitive people it would be hard to

British Capture of Quebec.

In 1759 Quebec was taken by Wolfe, and the first period of Canadian Conadmitted to a British parliamentar: stitutional history came to an end. All then professed in reference to the Par-Canada in 1760 was under the power of Britain, and the military command- while it would be absurd to expec ers in the army of the conquerors gov- that the numerous French-Canadian Catholics would submit to be governed erned the land as a conquered country. But the religion of the Canadians was by a handful of Protestants, not one not interfered with. Catholics as they hundredth of their number. The Engwere, and their conquerors belonging lish did not want an assembly with to a Protestant nation, their law based Roman Catholics in it: the French pon the civil law of Rome was ad- would not have one without. The ministered by a conqueror whose law English-speaking part of the communwas based on the common law of ity, of whom the early governors speak England. Their French customs were in no very flattering terms, objected respected and the only strange law im- even to the French Catholics sitting or in France. This seigniorial tenure was posed on them was the criminal law their own juries in their own courts introduced substantially by Richelieu of England, which was more merciful and acted in everything in a most than their own, which permitted tor- arbitrary and intolerant manner. The ture, breaking on the wheel and arbi- land was in a state of chaos, and the trary imprisonment.

might be called upon to do service in ition in America four distinct and sep-. . Quebec, East

(Those who have studied botany minerals, oak-timber and masts for ship-building, such lands as might be required for military purposes, and required for military purposes, and the like.

when are not found in character that when the botanical terminology was when the botanical terminology was

By this royal proclamation, which and it became law, 14 Geo. III., c. 83. wood and stone might be taken from his land by the seignfor to build or to the laws of England" with right of cording to the laws of Canada, but the appeal to the Privy Council at West- criminal law of England was to con-

superior to that of their brethren in tremendous change was intended to be be an executive council of five as a the old land, as they themselves were brought about under this proclamation. Privy Council—the scheme for a repessentially superior to the peasants of The Canadian had lived under a resentative and elective assembly conold France in intelligence and man- feudal system, looking up to and re- tained in the proclamation of 1763 was lying upon his seignior or feudal lord; not continued in the statute-the stat-The seignior's lot might not be there was now to be an assembly of ute, notwithstanding Fox's protest, dethought a very happy one—removed as he was thousands of miles away from Paris; and not seldom with no one selecting the members: the former thought safe to trust power to a Rocivil law under which they were born man Catholic Legislature. Some Amerthey all loved Canada-"O! and had lived was to be wholly abel- ican writers, who are suspicious of Canada, mon pays, mes amours"—as ished and the English law introduced their descendants do still—and no one (think of the change if the people of can understand the depth of that de- Ontario were to be suddenly placed times we are now considering, think. votion who has not mingled with "les under the law of France or Germany) or affect to think, that the Quebec act old customs were to become naught, passed, as it certainly was, to pacify and all was to be in confusion. the French-Canadians, had in view a

CREW AND BATTERY OF FIGHTING AIRSHIP

Methods Relied on by Antarctic Explorers



Captain Admundsen, the Norwegian, relied almost entirely on dogs. He ad four teams of thirteen each constantly in use, and many restig or in Dogmeat was also the staple article of food. His men used skis enerally for walking. Captain Scott, the Britisher, put his trust for trans portation mainly on Sibarian ponies, and a motor sledge, which was talked about a lot. Ponies are supposed to be less easily discouraged than the wiry Eskimo dogs. Scott's men also used skis generally, but some of them favored snowshoes. The picture is partly self-explanatory

Finally, in June, 1774, the Quebec Great act passed the Houses of Parliament ones. French-Canadian Loyalty. at Westminster and the fourth period I know of nothing to Notwithstanding the vigorous protest of the corporation of London, that suspicion-"a faundiced eve alinfluenced probably by the English in ways sees yellow"—there is nowhere Quebec, and certainly affecting to act any sentiment expressed by the Cana in their interest, "that the Roman dians of anything other than fervent Catholic religion, which is known to devotion to the crown—the like sentibe idolatrous and bloody" was "estab- ment characterizes them today - and This is explained by the fact that listed by the seigniors had in theory the seigniors had in theory the fixed, Canada included practically all that his family had been called to the would be bettered by islaining with the larger from the seigniors had in theory the fixed, Canada included practically all that his family had been called to the would be bettered by islaining with the larger from the way little trouble that his family had been called to the The seigniors had in theory the right of dispensing justice, but that the eastern part of the territory borthat was exercised by very few, and very seldom even by them.

The seigniors had in theory the fixed, Canada included practically all that the king was reminded by them would be bettered by joining with the arguments of the would be bettered by joining with the people of New England, the hated dering on the Mississippi and down of the Roman Catholic ancient branch as far as Louisiana.) Quebec, with which alone we are of the Stewart line (and he concerned, is defined in the proclam- emply told that the failure to provide expressed the greatest alarm at The habitant as "censitaire" (terthe habitant as "censitaire" (terant) was under many feudal obligations familiar to readers of Blackstone wholly impossible to follow the dethe habitant as "censitaire" (tertoncerned, is defined in the prociamin civil cases for jury trials, "that
tolerance of popery, that "blood-thirstolerance of Blackstone wholly impossible to follow the dewholly impossible to follow the dewholl the promiser made to the promis The example, he was bound to take scription; and, indeed, no good end his grain to be ground at the seignory would be achieved could we at all nior's mill and to nay for such grind.

Canada's Enormous Area. This act defined the Province of States, began its career by protesting against allowing the French-Canabec, that "blood-thirsty, idolatrous and ypocritical creed."

ontinental congress of 1774, filled with Canada. hilosophy and appeals to Beccaria and Montesquieu, which was signed by guage in Philadelphia, and then gentinue, A council appointed by the King It will be at once apparent what a late for the colony, and there was to plan of the infatuated policy which should red be late for the colony, and there was to plan of the infatuated policy which bec act which reconciled the Cana- ing relief. dians to British rule, and so played no

Great Britain to her discontented col- | small part in assuring the loyalty of Canada to the Empire.

The first legislative council under the new system met in August, 1775 the act coming into force May 1 o the same year.

The Influx of U. E. Loyalists.

The inhabitants of what is now called Quebec remained in great part French; and as to those in that part sol- know that both pulpit and Congress change in the law in civil matters, bu people that the nation which boasts, barous than his own. But the Revo-and rightly boasts, that it has no esinto the western part of that territory, are equally recognized in the United afterwards Canada West, of a very left home and property to follow their dlans to use their own religion in Quewere accustomed to English law and customs, and fretted under the foreign Notwithstanding the address of the law to which they were subjected in

The French law and customs seemed o these vigorous and sturdy Anglo-Henry Middleton, president, translated Saxons absurd and intolerable: and into French and printed in that lan- the Protestantism of the newcomers was repulsive to the devout Catholic erally distributed among the Cana- French-Canadians. The United Emdians, they remained loyal to the Brit- pire Loyalists had come from the New ish crown-Sir Guy Carleton "pursu- England States and elsewhere, and had ular of the infatuated policy which government; they could not tolerate alienated and lost to the Empire the the irresponsible control of an ap-thirteen colonies." There can be littie, if any doubt, that it was the Que- tition made its way to the King claim-

To Be Continued Next Week.

RUSSIAN "MOUSETRAPS"

When Sprung by the Police They Catch Every Creature

has had its highest development and trustworthy" friend in the evening, its widest application in Russia, writes drink tea with him, discuss the state George Kennan in the Century, it did of the country, and go home at midnot originate in that country, nor did night without having seen or heard it receive there its strikingly appro- anything to excite suspicion or sugriate appellation.

It was imported from France a century or more ago, and the name that next morning you are liable to fall inbears was given to it by Alexandre Dumas in 1829. The distinguished French storyteller described it in "The Three Musketeers' as follows:

The-invention of the mousetrap does not date from our days. As soon as societies in process of formation created police, the police in their turn invented mousetraps. As our readers may not be familiar with the slang of the Rue de Jerusalem, and as it is fifteen years since we applied this term for the first time to the thing, we may be allowed perhaps to explain to them what a

When in a house of any kind a person suspected of crime is arrested the arrest is kept secret; four or five men are placed in ambuscade in the first apartment, the door is opened to all who knock, it is then closed after them anl they are arrested so that at the end of two or three days the police have in their power all the persons who are ac-customed to visit the place. And that

a mousetrap. Dumas does not explain that the trap is set and the first arrest made at a late hour of the night, generally between the and three o'clock A. M., o that the mice will not become aware

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Although the peculiar form of police of it and avoid the dangerous locality. gest peril, but if you return to the same house or apartment early the to a mousetrap.

> The trap, moreover, catches and holds every person who enters it, regardless of nationality, dress, social position or official rank. Russian revolutionists are accustomed to assume all sorts of disguises, from the blue freek coat and wrinkled top boots of the gendarmerie to the sword, epaulets and golden cords of the general staff; and if the Czar himself in the uniform of the Preobrazhenski Guards, should visit incognito a house in which a trap had been set, he would be arrested promptly and sent to the nearest precinct station house for ideati-

No discretionary power of any kind s given to the police officers in charge. The mice caught may not look at all ike the mice for which the trap was set, but even if they appear to be ermine or lizards or small, blind kittens, they must go to the station louse for examination and judgment.

In every Russian city the police keep an alphabetical list of all persons who are believed to be in sympathy with the revolutionary movement or who for one reason or another are regarded as politically untrustworthy. Such persons are liable to be arrested on suspicion at any time, and are almost sure to be taken into custody after the assassination of a high official when there is no clue to the assassin and the police hope to get a clue by a dragnet system of arrest and investiga.

At such times a hundred arrests of Continued on Page Twenty-Two.

MAGIC BAKING POWDER

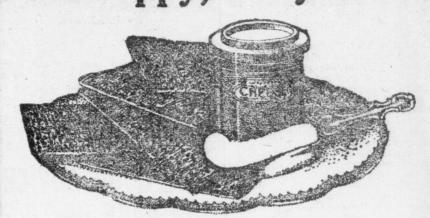
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Write for our private address.

Used for the first time by the Italians in the Turkish war. This is the first near view photograph of the deadly tessel published in Canada. Two men run the ship—one is the aviating engineer who sits in the chair and controls Cures a Coldin One Day, Grip in 2 Days the airship. The other man is the gunner and general fighting crew-he lays flat on his stomach and drops the shells and torpedoes into the ranks of the enemy below. His "gun" is merely a row of carriers, in which his torpedoes are slung. They explode with terrible havoc on percussion, like shrapnel from artillery. The small picture in the upper corner shows how the deadly missiles are carried underneath the aeroplane. Needless to say the danger to the crew of the airship, of being blown up by their own weapons in midair, is very great.