

with much truth and fairness that they had invested considerable sums of money in the country, depending upon the guarantee held out by the king's proclamation, that until such time as assemblies were convoked, the English laws would prevail, and that they considered any attempt to substitute French law as jeopardizing their property and unjust to them. The French-Canadians also had strong reasons to advance in favor of their pretensions. Their laws and customs, it is true, had not been guaranteed to them by the capitulation law secured by the treaty, but the law of nations and the dictates of humanity alike required that their previous laws should continue in force until such time, at all events, as others known and fixed had been proclaimed. The difference of language also was a great disadvantage. The judges sent out to administer the law for the most part (on account of their want of knowledge of French) could not make themselves understood as thoroughly as was necessary by the mass of the people. The trial by jury, moreover, was an innovation which they neither understood nor appreciated the advantages of. In the words of Chief Justice Hay, examined before a committee of the House on the subject of the Quebec Act, "The higher part of the Canadians object to the institution itself, as humiliating and degrading. They have no idea of submitting their conduct to a set of men, their inferiors; and the lower order look upon it (as in truth it is) a burthen to them." To this objection on the part of the noblesse, to be judged by their tradespeople, Edmund Burke with much force remarked: "With regard to the objection, that it is humiliating to be tried by jury, it can only come from those who are desirous of being above the law; who are ambitious of lording it over their brethren. To check that disposition would be one of my reasons for giving a jury; because giving a jury would be giving protection

to the majority of the people, against those whose pride and arrogance make them say it is humiliating to submit to a jury." At the same time, the stake the old subjects held in the country was very considerable; seven-eighths of the trade was in the hands of the English merchants, while two-thirds of the imports were taken from them by Canadians for distribution throughout the country, so that they became creditors to a considerable extent and naturally dreaded any alterations which might endanger the recovery of their claims.

If, however, the introduction of the English laws were disliked by the mass of the French-Canadian population, to the Jesuits they proved of service. This order (of whom Wedderburn in his report says: "By the rule of their order the Jesuits are aliens in every government;") had been expelled from France and all their property confiscated, and had met with the same fate in Spain and Portugal, and it was evident that the order was doomed before long to total suppression. Under these circumstances we are not surprised to find that the wily fathers availed themselves of the opportunity offered to realize as much as possible on their estates. In the report from the governor and council to the king bearing date 28th August, 1767, we read that—"Leases by Jesuits are made for twenty-one years, though by French law good only for nine years, and sundry other instances of diversity are assigned."

On another point, and one of great moment also, the two races were divided; that was the advisability of having assemblies and legislating for themselves. To those accustomed to British institutions, a government composed of the Governor and councillors removable at his will, was neither more nor less than a pure despotism, and under such a form of government they declined to remain. Mr. Mansfield, representing the merchant petitioners against the bill at the bar of the house, boldly de-