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NOTES AND COMMENTS

THE aim of this department of THE CANADIAN HISTORICAL REVIEW is to call attention to matters of interest and importance, in connection with Canadian history, which might otherwise escape notice. It frequently happens that events take place, discoveries are made, and controversies arise, in fields apparently remote from Canadian interests, which yet have profound significance for students of Canadian history, but which are not always brought to their attention, except by chance. The discovery of a prehistoric skeleton in New York State may throw light on the problem of prehistoric man in Canada; a Norse runestone, found embedded in the roots of an ancient tree in Minnesota, might, if authentic, clarify the question of the Norse visits to Canada in the Middle Ages; a map rescued from an old German castle may revolutionize the study of early Canadian cartography; an isolated document unearthed in the Spanish archives at Madrid may prove to be an important contribution to the history of the early voyages of discovery to Canada; a leaden plate discovered by children at play near a small town in Dakota may settle an important point in connection with French exploration in the West; political changes may take place in Australia or South Africa which bear directly on the problems of Canadian government to-day; and controversies may arise in the field of political or economic science which have an especial interest and applicability for Canadians. It is conceived that a useful service may be rendered by calling such matters to the attention of readers here.

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A good example of a controversy in the field of political science, the significance of which in relation to Canada has not been widely recognized, is that which has arisen lately over the question of nationalism. This controversy is not, of course, entirely new. It dates back to the days of Lord Acton and John Stuart Mill, when the phenomenon of nationalism was first attracting the attention of political thinkers. Lord Acton, in his essay on *Nationality*, condemned what he called the theory of nationality—the theory, that is, that political and national lines should coincide—as "more absurd and more criminal than the theory of Socialism". He described it as "a confutation of democracy because it sets limits to the exercise of the popular will, and substitutes for it a higher principle". Mill, on the other hand, laid it down, in his *Representative Government*, that "it is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities".

It has been, however, only during and since the Great War that the controversy has reached an acute stage. The controversy has revealed itself in various ways. It is to be seen in the cleavage of opinion between the nationalists and the internationalists—between those, like Gabriele d'Annunzio, Jan Paderewski, Eamonn de Valera, and Henri Bourassa (all, it should be noted, persons of a literary or artistic temperament), who seem to regard the nation-state as the *sumnum bonum*, and those who, like Nicolas Lenin and Ramsay MacDonald, regard nationalism as a crime against civilization, and who look forward to the parliament of the workingman, the federation of the labour world. It was seen in the struggle at the Peace Conference between the simon-pure nationalists, who subscribed to the doctrine of national self-determination, and who believed that the map of Europe should be reconstructed along what President Wilson—with a guilelessness remarkable in a former professor of history—described in the Fourteen Points as "historically established lines of allegiance and nationality", and the *étatistes* and regionalists, who believed that there were other things beside national aspirations that "must be respected". It is seen, finally, in a flood of literature with regard to the question of nationalism that has poured from the presses of Europe and America during the last few years. To give an adequate idea of this literature one would have to compile a bibliographical study which would be out of place here; but an idea of the two con-
flicting points of view may be gathered from two recent books by distinguished English political writers, Professor Ramsay Muir's *Nationalism and Internationalism* (1916) and Mr. Alfred E. Zimmern's *Nationality and Government* (1919). Professor Ramsay Muir, treading in the footsteps of John Stuart Mill, expresses the opinion that "if the whole of Europe could once be completely and satisfactorily divided on national lines, there might be good hope of a cessation of strife". Mr. Zimmern, following Lord Acton, denounces the theory of the nation-state as "one of the chief obstacles to human progress at the present time"; and, in a striking passage, he indicates his substitute for political nationalism:

> It is not the principle of nationality, as so many English people think, which will bring peace and good government to Macedonia and Eastern Europe generally, but the principle of toleration. It took Western Europe several generations after the Thirty Years' War to realize that religion, being subjective, was no satisfactory criterion of Statehood. . . . It may take Eastern Europe as long to reach the same conclusion about Nationality. But in the long run the theory of the National State will go the way of Henry VIII.'s and Luther's theory of a National Church.

It is safe to say that this controversy has received comparatively little attention in Canada. Yet it has for Canadians an almost poignant interest. If the arguments of the extreme nationalists are to be admitted, then French Canada should be allowed, if she so desires, to withdraw from Confederation, and set herself up as a separate and independent state, astride the mouth of the St. Lawrence waterway. But if, on the other hand, the arguments of Lord Acton and Mr. Zimmern are sound, then there should be room in Canada for more than one type of national feeling, and emphasis should be laid, not on the principle of nationality, but on the principle of toleration. In this case, the French and English in Canada would have a super-national feeling, and Canada would be, like the British Empire, a microcosm of the League of Nations. Moreover, the recent inclusion of Canada in the League of Nations, and her acquisition of a "national status", should make it incumbent on Canadians to inquire what nationalism is, and whither it leads.

Another controversy of interest to students of Canadian history, though in a widely different way, has lately been running its course in the pages of that excellent French-Canadian journal,
Le Canada Français. This controversy began with a paper by Mr. A. H. de Trémaudan, the author of *The Hudson Bay Road*, in which the view was advanced that serious errors had commonly been made by Canadian historians with regard to the identity of the various sons of the elder La Vérendrye. Mr. de Trémaudan maintained that the most famous of all the sons of the discoverer, the son referred to as "le chevalier", was not, as has been commonly supposed, the eldest son, Pierre, but the third son, François; that the journeys of 1738-1739 and of 1742-1743 were made, not by Pierre and François, but by François and Louis; and that only the journey of 1741, the least important of the three, was made by Pierre. This paper drew forth a reply from the abbé Ivanhoé Caron, one of the most erudite of French-Canadian historical scholars, who agreed with Mr. de Trémaudan that "le chevalier" was not the eldest son, Pierre de la Vérendrye, but contended that he was the youngest son, Louis-Joseph, rather than the third son, François. To this criticism Mr. de Trémaudan replied at length; Judge Prud’homme corrected the abbé Caron in one or two matters of detail; and Mr. P. G. Roy, the veteran editor of the *Bulletin des recherches historiques*, came to the support of the abbé in regard to the main point in dispute.

We hope, in our next issue, to be able to publish a paper by Mr. de Trémaudan, in which the whole controversy will be summed up. In the meantime, the very fact that such a controversy as this, involving the identity of some of the most famous figures in the history of Canadian exploration, could arise at this late date, throws a light on the insecure foundations on which the traditionally accepted version of Canadian history is here and there built. It suggests the possibility that there may yet be found necessary a revision of some of the details of Canadian history more radical than most people would have suspected.

Historical revisions are seldom popular. Few people like to be told that Wolfe did not recite the lines from Gray’s *Elegy* as he floated down to the Foulon on the night before the battle of the Plains of Abraham, or that Brock did not say, as he fell at Queenston Heights, “Push on, brave York Volunteers”. These hoary myths, though repeatedly discredited, still display an astonishing vitality. Yet if Sir Robert Walpole’s reproach “Anything but history, for history must be false”, is to be removed, the accepted version of history must be constantly
revised, and kept up to date, in the light of recent researches, without regard for cherished preconceptions or for the picturesque-ness of the discarded details.

An illustration of the necessity for revision in Canadian history will be found in Mr. William Smith's paper, printed in this issue, on *The Struggle over the Laws of Canada, 1763-1783*. The view has long been held that in the struggle between Sir Guy Carleton and Chief Justice Livius over the interpretation of the policy of the Quebec Act, Carleton was right, and Livius was wrong. Carleton is still widely regarded as the great and wise pro-consul, and Livius still looms up as the villain of the piece. The verdict of Carleton on him, that he was "greedy of power and more greedy of gain", and that he understood "neither the laws, customs, manners, nor language of the Canadian people", has hitherto held the field. It is safe to say that Mr. Smith's researches, whether one agrees with all his conclusions or not, will compel a considerable revision of the traditional version of this phase of Canadian history. Not only does Mr. Smith's paper throw new light on the characters of Carleton and Livius, but it throws into relief fresh aspects of the policy of the Quebec Act itself.
THE GROWTH OF CANADIAN NATIONAL FEELING

“I see in the not remote distance one great nationality, bound, like the shield of Achilles, by the blue rim of Ocean”.—THOMAS D’ARCY McGEE, Speech in the Legislative Assembly of Canada, 1862.

THE growth of Canadian national feeling might reasonably be regarded as the central fact in Canadian history. Yet, apart from a pamphlet entitled Canadian Nationality, its Growth and Development, published by William Canniff, the historian of Upper Canada, as long ago as 1875, there has been hitherto—so far as would appear—no attempt to trace in a connected way the process whereby Canadian national feeling has grown to be what it is to-day. The historians of Canada have been legion, but, curiously enough, few of them have thought it worth while to lay stress on this cardinal aspect of Canadian history; and where they have touched on it, they have done so invariably in a casual and incidental way. They have described fully the military campaigns, the political changes, the boundary disputes, the economic and intellectual developments; but they have said little about the main fact which these details merely serve to explain and illustrate—the growth in Canada of a distinctive national feeling.

One of the chief reasons for this neglect is, no doubt, the fact—of which Canadians nowadays are apt to be forgetful—that Canadian national feeling is a phenomenon of very recent growth. Certainly its recognition has not been of long standing. As recently as the Confederation epoch, there were many able and distinguished men in Canada who refused to recognize the existence of what was called at that time “the new nationality”. In the Confederation debates there is nothing more curious and striking than the language in which Christopher Dunkin, perhaps the ablest and most cogent of all the opponents of Confederation, denied even the possibility of a Canadian national feeling. He said:
Talk, indeed, in such a state of things, of your founding here by this means "a new nationality"—of your creating such a thing—of your whole people here rallying round its new government at Ottawa. Mr. Speaker, is such a thing possible? We have a large class whose national feelings turn towards London, whose very heart is there; another large class whose sympathies centre here at Quebec, or in a sentimental way may have some reference to Paris; another large class whose memories are of the Emerald Isle; and yet another whose comparisons are rather with Washington; but have we any class of people who are attached, or whose feelings are going to be directed with any earnestness, to the city of Ottawa, the centre of the new nationality that is to be created? In the times to come, when men shall begin to feel strongly on those questions which appeal to national preferences, prejudices and passions, all talk of your new nationality will sound but strangely.¹

Later in the debate he used language even more scornful:

But we—what are we doing? Creating a new nationality, according to the advocates of this scheme. I hardly know whether we are to take the phrase for ironical or not. Is it a reminder that in fact we have no sort of nationality about us, but are unpleasantly cut up into a lot of struggling nationalities, as between ourselves? Unlike the people of the United States, we are to have no foreign relations to look after, or national affairs of any kind; and therefore our new nationality, if we could create it, would be nothing but a name.²

Nor was it only among the opponents of Confederation that the dream of Canadian nationality was regarded as a chimaera. John Rose, afterwards the first finance minister of the Dominion went out of his way in the debates to make it clear that his constituents supported Confederation for practical reasons, and not "from any ardent and temporary impulse or vague aspiration to be part in name of a new nation".³ Even among the most enthusiastic advocates of Confederation there was not one who did not speak of "the new nationality" in the future tense.

Still later evidence may be adduced. In 1872, W. A. Foster, one of the early apostles of Canadian nationalism, confessed that there were in Canada at that time many Canadians who were

¹ Parliamentary Debates on the subject of the Confederation of the British North American Provinces, 1865, p. 511.
² Ibid., p. 524.
³ Ibid., p. 419.
void of national feeling. In his address entitled *Canada First*—a document of cardinal importance in Canadian history—he quoted an English visitor as having said that “to the Canadian it is of small concern what you think of his country. He has little of patriotic pride in it himself. Whatever pride of country a Canadian has, its object, for the most part, is outside of Canada”.

Without subscribing unreservedly to this view, Foster admitted that there was some ground to justify a casual visitor in reaching such a conclusion. “We have too many among us,” he said, “who are ever ready to worship a foreign Baal, to the neglect of their own tutelary gods.” As late as 1889 Goldwin Smith, an observer who, whatever else may be said about him, was not hostile to the idea of Canadian nationality, scouted the view that such an ideal was within the range of possibility. “The Bystander,” he wrote, “has the heartiest sympathy with those who strive to make Canada a nation... But there is no use in attempting manifest impossibilities, and no impossibility apparently can be more manifest than that of fusing or even harmonizing a French and Papal with a British and Protestant community.”

Such were the views expressed a generation ago. To-day, however, he would be a bold man who would deny to Canada the existence of a distinctive national feeling—a national feeling not French-Canadian or British-Canadian, but all-Canadian. Since 1892 Canada has had her own national flag, the union ensign of Canada, the outward and visible sign of an inward and invisible unity. She has travelled so far along the road of autonomy that she is now on the point of creating the germ of a Canadian diplomatic service; and it is announced that she will soon have at Washington a diplomatic envoy of her own. In the Great War the maple leaf badge came to be recognized as the symbol of a strong national spirit which never failed before any task with which it was confronted, and which contributed in a substantial measure to the breaking down of the German defences in the latter half of 1918. Canada’s war effort was distinctly a national effort, the extent and quality of which was determined by the national will; and the direct result of this effort has been that Canada has been assigned, not only a place in the Assembly of the League of Nations, but has been pronounced eligible for elec-

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1 Reprinted in *Canada First: A Memorial of the late William A. Foster, Q.C.*, Toronto, 1890.

2 *The Bystander*, December, 1889, p. 78.
tion to the Council of the League. This means, if it means anything, that Canada has now not only achieved a national consciousness, but has won from the rest of the world—with the apparent exception of the United States—the recognition of this national consciousness.

It is the object of this essay to explain—if only in a tentative way—how this national feeling came into existence.

I. THE FIRST BEGINNINGS

In the beginning was geography. The influence of geography on Canadian history, and especially the influence of the Atlantic Ocean, has been at all stages profound; but in no way more so than in stimulating the growth of Canadian national feeling. Even in the period of French rule, the distance between the Old World and the New—a distance much greater in those days of sailing-ships than in these of steam-ships, trans-Atlantic cables, and wireless telegraphy—combined with the wide variance between the geographical conditions prevailing in the two continents to produce in Canada signs of a distinct local feeling. This local feeling did not reach in New France the height which it reached in the English colonies to the south, where it contributed to bring about the American Revolution; but toward the end of the French period it became much stronger than is sometimes realized. Ample evidence of it is to be found in the letters of Montcalm, those beautiful epistles which the devoted hero wrote home to his beloved Candiac. "I am extolled," he complains in one letter, written not long after his arrival in Canada, "in order to foster Canadian prejudice." The unhappy relations between Montcalm, the commander of the French regulars, and Vaudreuil, the Canadian-born governor, were reflected in the relations between the French and the Canadian officers of lesser rank. The Canadian captains of militia, most of them veterans of many a border foray and Indian battle, ranked junior to the youngest subaltern of the regular forces newly arrived from France, and perhaps without active service of any kind; and this fact alone served to excite a distinctive Canadian feeling.

After the British conquest, the influence of geography continued to operate among the French-Canadians, until in the beginning of the nineteenth century it bore fruit in the ideal of "la nation canadienne." But among the English-speaking Canadians
its influence was for many years less noticeable. It is only among a native-born population that geographical factors find full play; and it was not until well on in the nineteenth century that there was any considerable native-born English-speaking population in Canada. By this time, however, distance was being annihilated by the steam-ship and the trans-Atlantic cable; and Quebec had become, humanly speaking, almost as near Westminster as some places, such as outlying parts of the Orkneys and the Hebrides, which were included in the United Kingdom. None the less, the influence of geography in the English period has continued profound. The whole movement toward Canadian autonomy—so closely intertwined with the growth of Canadian nationalism as to be almost indistinguishable from it—owes a large part of its success to the three thousand miles of sundering seas which separate Canada from Great Britain. If Great Britain has been willing to grant Home Rule to Canada, but not to Ireland, the reason in large measure lies upon the map. In the same way the growth of Canadian national feeling even to-day owes much to the barrier of the Atlantic—a barrier that has made it all but impossible for the overwhelming majority of native-born Canadians to see and know at first hand the country from which their stock has sprung. In a thousand ways, in matters of speech, and dress, and diet, and amusements, and even thought, Canadian national feeling is still being moulded from day to day by the stubborn facts of geography.

But geography alone will not serve to explain the growth of Canadian nationalism. It will not serve even to explain the political lines which Canadian nationalism has followed. The boundary between Canada and the United States, for example, cannot be referred to purely geographical causes. What chiefly determined the lines of the new nationality was a series of political events which took place in the latter half of the eighteenth century. The first of these, of course, was the Peace of Paris in 1763, which eliminated France from North America, and placed all the country between Hudson Bay and the Gulf of Mexico under the British flag. The second was the American Revolution, which removed from the sovereignty of Great Britain the thirteen original British colonies in America, and left the northern half of the continent open for a new experiment in colonial government—an experiment which was destined in the end to give full play to the forces of colonial nationalism. And the third event was the French Revolution, which severed the tie of sympathy binding the
THE GROWTH OF CANADIAN NATIONAL FEELING

French Canadians to France. These three events combined to fashion the mould of the nationality that was to be.

The first impetus to the growth of Canadian national feeling was given by the War of 1812. This war—in other respects one of the most futile and meaningless in history—had at any rate this result, that it gave birth in Canada to that feeling of self-reliance and self-respect without which no strong national spirit can well exist. In 1812 British North America found itself the innocent victim of an attack by a foreign country which sought to conquer it, a country with a vastly superior population, and with an army in which the enlistments during the war actually exceeded the total population of all the British colonies in North America; and yet three years later, after a prolonged struggle, the war ended with the Canadian frontier everywhere intact. However pacifists may lament the fact, there is no formula for the creation of nationalism so efficacious as a war such as this, waged against outside aggression under heavy odds. Scottish nationalism dates from the Scottish War of Independence; Italian nationalism from the Italian War of Liberation; and the nationalism of the United States from the War of the American Revolution. In the same way, the War of 1812—which might fittingly be termed the Canadian War of Independence—stands at the fountain-head of Canadian nationalism. It is a sound instinct which has led Canadians to cherish the memories of what were from the standpoint of the military historian the trivial skirmishes of Detroit and Queenston Heights, of Châteauguay and Chrysler's Farm; for these engagements are the title-deeds of Canadian nationality.

But this aspect of the War of 1812 does not exhaust its importance in fostering national feeling in Canada. Just as the American invasion of Canada in 1775 had resulted in purging Canada at that time of the disloyal and pro-American element in her population, so the War of 1812 resulted in removing from Canadian soil those who were at that time unsympathetic with Canadian ideals; and just as had been the case in 1775, so in 1812 the defence of their common country bound together with the bond of common sacrifices and common memories “the two races” in Canada, the English-Canadian and the French-Canadian. For the second time in half a century English and French in Canada had fought shoulder to shoulder against the southern invader; and it might well have seemed that a union begun so auspiciously, and sanctified so solemnly, would be proof against the shocks of time. In other
cases, in the case of Scotland, of Switzerland, and of Belgium, a war of national defence has welded into a coherent whole the most diverse racial and linguistic elements; and, especially in view of the very amicable relations that had existed between the English and the French in Canada during the first half-century of British rule, it might have been expected that a similar result would have ensued in Canada.

Such hopes, however, were to some extent doomed to disappointment. In the twenty-five years that followed 1812, there sprang up in Canada a political conflict which in Lower Canada transformed itself into a struggle between "the two races"—a struggle of such a character that when Lord Durham came to Canada in 1838 he professed to find "two nations warring in the bosom of a single state". The results of this quarrel, some of which are far from extinct to-day, cannot be too greatly deplored; nor is it well to attempt to minimize them. And yet, on the other hand, it is an even greater mistake to exaggerate them. When one considers the history of countries like Ireland, Poland, and the Balkans, where peoples similarly diverse in language, religion, and historical traditions have been placed in juxtaposition, one is forced to the conclusion that after all the French and the English in Canada have not got on badly together. The Rebellion of 1837 was the only occasion on which the two peoples have come into anything like armed conflict; and it was far from being a revolt of the whole of the French-Canadian people. It was limited to only one or two districts, and the whole weight of the French-Canadian church was thrown against it. It was, moreover, an accident, directly due to a faulty constitution, which forced the two peoples in Lower Canada into opposite camps, and gave each a weapon with which to smite the other. It is wrong, therefore, to regard the struggle of 1837 as having interposed an insuperable barrier against the growth of a common spirit between the English and the French in Canada. Even if it is admitted that the events which culminated in the Rebellion of 1837 have created two nationalisms in Canada, an English-Canadian and a French-Canadian, there is nothing in this fact to prevent the growth in Canada of what some modern writers have called a supernationalism, such as exists in Great Britain between the subordinate nationalisms of England, Scotland, and Wales. Indeed, as we shall see, there is ample evidence to show that such a supernationalism really exists in Canada to-day.
From another viewpoint, moreover, the Rebellion of 1837 actually contributed to the growth of Canadian national feeling, for it resulted in the grant to Canada of self-government. As Edward Blake pointed out in his famous Aurora speech of 1874, "It is impossible to foster a national spirit unless you have national interests to attend to." The growth of Canadian self-government, which began under Lord Sydenham in 1841, and which has been going on ever since, gave Canadians distinct national interests to attend to, and so encouraged the growth of a distinct national spirit. It led between 1841 and 1849 to the control by Canadians of their own domestic affairs; it led between 1849 and 1859 to Canada's fiscal independence of the Mother Country; and it is leading in our own day to a degree of political autonomy which is practically complete. It is true that in the struggle for self-government the element of nationalism did not at first appear on the surface, except perhaps in Lower Canada. The paper in which William Lyon Mackenzie carried on his political agitation was frankly named The Colonial Advocate. Yet even in the early Reformers the yeast of nationalism was no doubt working unseen. The very fact of the struggle for self-government was in itself an evidence of the inarticulate growth of a national consciousness. The infant, as yet unborn, was stirring within the womb.

II. National Unity.

The greatest single factor in the growth of Canadian national feeling has been no doubt the movement toward national unity, or, as it is more commonly described in Canada, the movement toward Confederation: a movement which was crowned with success between the years 1867 and 1873, and which, curiously enough, virtually synchronized with the national unification of Germany and Italy. The idea of the Confederation of the British North American provinces dates far back in Canadian history. It was first advocated by a British engineer officer, Lieut.-Col. Robert Morse, as early as 1784, immediately after the close of the American Revolution.1 It was urged on the British government by Lord Dorchester and by Chief Justice William Smith in 1790, when the details of the Constitutional Act were under considera-

tion. It became popular among a number of the United Empire Loyalists; and in the twenties of last century it found advocates in persons so different as William Lyon Mackenzie and the Rev. John Strachan. But none of these early advocates of Confederation appear to have thought of the project in terms of nationalism. It is not until we come to Lord Durham's *Report on the Affairs of British North America*—that classic of English political literature—that we find the relation between national unity and the growth of national feeling clearly pointed out.

Lord Durham, in recommending the union of Upper and Lower Canada, insisted at the same time—and this fact is too often forgotten—that the Act of Union should contain a provision whereby "any or all of the other North American colonies may, on the application of the Legislature, be, with the consent of the two Canadas, or their united Legislature, admitted into the union on such terms as may be agreed between them". He regarded, in fact, the union of Upper and Lower Canada as merely a half-way house on the road to Confederation. And the bearing of Confederation on the growth of colonial nationalism he was quick to discern:

Such an union would at once decisively settle the question of races; it would enable all the Provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British Empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. . . . I am, in truth, so far from believing that the increased power and weight that would be given to these colonies by union would endanger their connection with the Empire, that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist toward separation.¹

After describing the pro-American influences then at work in Canada he went on:

If we wish to prevent the extension of this influence, it can only be done by raising up for the North American colonist some nationality of his own; by elevating these small and unimportant com-

munities into a society having some objects of a national importance; and by thus giving their inhabitants a country which they will be unwilling to see absorbed even into one more powerful.\footnote{Ibid., vol. ii, p. 311.}

In these words we have, it would appear, the first clear enunciation of a nationalist programme for Canadians. It is true, no doubt, that Lord Durham's version of Canadian nationalism was too limited, too exclusively English—that it did not give to the French Canadians the place to which they were entitled in the new nationality. But Lord Durham's title to the honour of being the first exponent of the principle of nationalism in Canada is indisputable. Here, as elsewhere, he stands at the head of a long process of development in Canadian history.

The ideal of Confederation, as Durham himself had feared, was not destined to become immediately practicable. The union of Upper and Lower Canada was brought about in 1841; but in the other provinces sectional feeling was still too strong, and between them the means of communication were still too slight, to permit of Confederation being achieved. It was not indeed until long after Durham's day that the idea invaded the sphere of practical politics. In 1849 it appeared as a plank in the platform of the British American League, an association formed partly for the purpose of rehabilitating the shattered fortunes of the Tory party. In 1854 Joseph Howe, in his famous speech on "The Organization of the Empire", discussed the idea at some length, and admitted that "there would be great advantages arising from a union of these colonies". In 1858 several events combined to bring the project into the public eye. In the first place, A. T. Galt, the Canadian finance minister who successfully vindicated the fiscal independence of Canada, and whose protectionist ideas were merely the expression in the economic sphere of his nationalist aspirations, entered the Macdonald-Cartier administration in that year on the understanding that Confederation would be made a feature of the government's programme; and a delegation composed of Galt, Cartier, and Rose was actually sent to England that autumn with a view to ascertaining the views of the British government with regard to Confederation—though unfortunately, thanks to the apathetic immobility of the British government, the delegation resulted in nothing. In the second
place, it was in this year that Alexander Morris—a statesman whose fame has fled all too soon—published his lecture on *Nova Britannia*; or, *The Consolidation of the British North American Provinces*; and lastly, it was in this year that there came into the Canadian legislature a young Irish patriot, Thomas D'Arcy McGee, with whose name, more perhaps than with any other, the vision of the new Dominion was destined to be associated. In a short-lived journal which he had founded in Montreal in 1857, and which bore the significant name of *The New Era*, McGee had already embraced the gospel of British-American union; and this gospel he did not cease to preach, in season and out of season, with all the rare genius and eloquence at his command, until it came true.

In the writings and speeches of McGee, Morris and their friends, there now appeared, for the first time in Canadian history, a strong nationalist note. Morris, in the peroration of his *Nova Britannia*, urged his hearers to "cherish and promote by all means the spread of national sentiment"; and McGee, in one of the early numbers of his *New Era*, struck out a phrase—"'The New Nationality'"—which was destined to become historic. Trained in the vivid school of Irish nationalism, McGee merely transferred to Canadian soil his nationalist aspirations. To give an adequate idea of the crusade which McGee carried out, is impossible in a sketch of this sort; but two or three extracts from his speeches may be quoted in order to illustrate the character of his propaganda. Speaking in the Canadian legislature in 1860 on the constitutional relations of Upper and Lower Canada, he was reported to have spoken thus:

> We had advanced a certain way on the road to nationality, and all the power of the Legislature could not stop it, though it might retard it. He looked forward to the day when we should be known not as Upper and Lower Canadians, Nova Scotians, or New Brunswickers, but as members of a nation designated as the Six United Provinces.¹

In 1862, in a speech delivered at a popular festival in Quebec, he spoke thus:

> A Canadian nationality—not French-Canadian, nor British-Canadian, nor Irish-Canadian: patriotism rejects the prefix—is, in my opinion, what we should look forward to, that is what we

¹ Thompson's *Mirror of Parliament*, 1860, No. 38, p. 3.
ought to labour for, that is what we ought to be prepared to defend to the death.\textsuperscript{1}

He even carried the fiery cross down into the Maritime Provinces. In an address delivered in Halifax in 1863, he took as his theme “a future, possible, probable, and I hope to be able to live to say positive, British-Canadian Nationality”:

What do we need to construct such a nationality? Territory, resources by land and sea, civil and religious freedom, these we have already. Four millions we already are: four millions culled from races that, for a thousand years, have led the van of Christendom. . . . Analyse our aggregate population: we have more Saxons than Alfred had when he founded the English realm. We have more Celts than Brien had when he put his heel on the neck of Odin. We have more Normans than William had when he marshalled his invading host along the strand of Falaise. We have the laws of St. Edward and St. Louis, Magna Charta and the Roman Code. We speak the speeches of Shakespeare and Bossuet. We copy the constitution which Burke and Somers and Sidney and Sir Thomas More lived, or died, to secure or save. Out of these august elements, in the name of the future generations who shall inhabit all the vast regions we now call ours, I invoke the fortunate genius of a United British America.\textsuperscript{2}

D’Arcy McGee was, in truth, the Mazzini of Canadian national unity; and by his fervent appeals to the younger generation of Canadians he gathered about him a rising nationalist school, a party of Young Canada.

D’Arcy McGee’s place in Canadian history has seldom been adequately recognized. Much has been written about the part played by John A. Macdonald and George Brown in the Confederation movement, and about the self-sacrificing way in which these two political leaders sank their personal differences in order to bring Confederation about. But the part they played was no more important than that played by McGee. Nor was their self-abnegation to be mentioned in the same breath as his; for, when difficulties arose after Confederation in connection with the formation of the first Dominion cabinet, McGee, who was regarded as the representative of the Roman Catholic English-speaking

\textsuperscript{1} T. D’Arcy McGee, \textit{Speeches and Addresses chiefly on the subject of British-American Union}, p. 63.

\textsuperscript{2} \textit{The Honorable Thomas D’Arcy McGee of Montreal} (pamphlet, n.d.), p. 21.
element in the province of Quebec, stood aside, in order that the claims of the English-speaking Roman Catholics might be combined with those of the Nova Scotians, in the appointment of a compromise candidate whose name is now forgotten. When, therefore, the first parliament of the new Dominion met in Ottawa in 1868, the high priest of Canadian nationalism—the Fenian journalist who more than any one else had taught Canadians to be at one with themselves—was a private member of the house. This fact, and the fact that in 1869 McGee’s career was cut short by the hand of the assassin, serve perhaps to explain the neglect into which his fame has fallen. That there were those in his own generation, however, who understood the significance of his brief but meteoric passage through Canadian history, is evident from the words in which in 1872 the author of Canada First paid tribute to his memory:

There is a name I would fain approach with befitting reverence, for it casts athwart memory the shadow of all those qualities that man admires in man. It tells of one in whom the generous enthusiasm of youth was but mellowed by the experience of cultured manhood; of one who lavished the warm love of an Irish heart on the land of his birth, yet gave a loyal and true affection to the land of his adoption; who strove with all the power of genius to convert the stagnant pool of politics into a stream of living water; who dared to be national in the face of provincial selfishness, and impartially liberal in the teeth of sectarian strife; who from Halifax to Sandwich sowed broadcast the seeds of a higher national life, and with persuasive eloquence drew us closer together as a people, pointing out to each what was good in the other, wreathing our sympathies and blending our hopes; yes! one who breathed into our New Dominion the spirit of a proud self-reliance, and first taught Canadians to respect themselves. Was it a wonder that a cry of agony rang throughout the land when murder, foul and most unnatural, drank the life-blood of Thomas D’Arcy McGee?

Among the documents illustrating the growth of Canadian nationalism, there is none of greater interest or importance than the record of the debates which took place on Confederation in the Canadian legislature in 1865. In these debates there were those, like Christopher Dunkin, who refused, as we have seen, to believe not only in the existence, but even in the possibility of an

1 Canada First: A Memorial, p. 42.
all-Canadian national feeling. Even among the partisans of Confederation, there were comparatively few who seem to have thought of Confederation in terms of nationalism. John A. Macdonald spoke of it as "founding a great nation", and he prophecied that under Confederation "England will have in us a friendly nation"; but these references, true as they were to the coming event, were hardly more than incidental. In the speeches of George Brown, Alexander Mackenzie, and even—strange as it may seem—A. T. Galt, there is hardly anything which can be construed as a nationalist confession of faith. Apart from McGee, Morris, and one or two other nationalists, the only outstanding figure in the house who dealt at length with the nationalistic aspect of Confederation was Georges-Etienne Cartier; and Cartier's defence of the doctrine of "the new nationality"—a phrase which had been incorporated in the Speech from the Throne—was so sound and salutary, so in line with the most recent results of modern thought, so full of lessons for Canadians to-day, that it is worth while quoting at length:

The question for us to ask ourselves was this: Shall we be content to remain separate—shall we be content to maintain a mere provincial existence, when, by combining together, we could become a great nation? . . . Objection had been taken to the scheme now under consideration, because of the words "new nationality". Now, when we were united together, if union were attained, we would form a political nationality with which neither the national origin, nor the religion of any individual would interfere. It was lamented by some that we had this diversity of races, and hopes were expressed that this distinctive feature would cease. The idea of unity of races was utopian—it was impossible. Distinctions of this kind would always exist. . . . But with regard to the objection based on this fact, to the effect that a great nation could not be formed because Lower Canada was in great part French and Catholic, and Upper Canada was British and Protestant, and the Lower Provinces were mixed, it was futile and worthless in the extreme. Look, for instance, at the United Kingdom, inhabited as it was by three great races. (Hear, hear.) Had the diversity of race impeded the glory, the wealth, the progress of England? Had they not rather each contributed their share to the greatness of the Empire? Of the glories of the senate, the field, and the ocean, of the successes of trade and commerce, how much was contributed by the combined talents, energy and courage of the three races
together? (Cheers.) In our own Federation we should have Catholic and Protestant, English, French, Irish, Scotch, and each by his efforts and his success would increase the prosperity and glory of the new Confederacy. (Hear, hear.) He viewed the diversity of races in British North America in this way: we were of different races, not for the purpose of warring against each other, but in order to compete and emulate for the general welfare. (Cheers.) We could not do away with the distinctions of race. We could not legislate for the disappearance of the French Canadians from American soil, but British and French Canadians could appreciate and understand their position relative to each other. They were placed like great families beside each other, and their contact produced a healthy spirit of emulation. It was a benefit rather than otherwise that we had a diversity of races.  

In these striking words Cartier pinned his faith to the doctrine of an all-Canadian nationalism, and implicitly disowned the ideal of an intransigeant French-Canadian nationalism, the advocates of which he described as "self-styled nationalists". That he, the French-Canadian leader of the house, should have been the first among the leading politicians of that day to embrace wholeheartedly the idea of "the new nationality", and that he should have given that idea such a sound philosophical basis, is a fact which English Canadians to-day might do well to ponder.

The Confederation of Upper and Lower Canada, New Brunswick, and Nova Scotia was accomplished in 1867. But this was only the first instalment of Confederation. Within the surprisingly short space of four years, the new Dominion extended itself westward to the Pacific. In 1869 it acquired by purchase the vast territories of the Hudson’s Bay Company, and in 1871 the colony of British Columbia came into Confederation. This westward extension of Canada, even more than the original Confederation, was a factor of profound importance in stimulating the growth of Canadian national feeling. The Great North West was Canada’s heritage. It had been originally explored and occupied by Canadian fur-traders and officials in the days of the French régime; and it had been at that time, to all intents and purposes, part of Canada. As Alexander Morris pointed out in the Canadian parliament in 1867, "Canada was bound to the North-West by the ties of discovery, possession, and interest. . . .

1 Parliamentary Debates on the subject of Confederation, p. 60.
The country is ours by right of inheritance.” The North-West was, in fact, a sort of Canada Irredenta, to the redemption of which the Canadian nationalists of those days looked forward as to the goal of their aspirations. More than this, however, the North-West was a land of promise, the possibilities of which captivated the imagination. It was there that the listener could hear

the tread of pioneers,
Of nations yet to be,
The first low wash of waves, where soon
Shall roll a human sea.

The way in which the acquisition of the North-West set on fire the minds of the nationalists of the Confederation epoch is well illustrated in the lecture on The Hudson's Bay and Pacific Territories,1 which Alexander Morris delivered and published in 1858—a lecture which occupies in the literature of Canadian nationalism a place of scarcely less importance than his Nova Britannia. “Our Northern rising nationality,” he exclaimed, à propos of the West, “has an example field before it—a brilliant future in the distance.” And in his peroration he asked:

Who can doubt of the future of these British Provinces, or of the entire and palpable reality of that vision which rises so grandly before us of the Great British Empire of the North . . . with its face to the south and its back to the pole, with its right and left resting on the Atlantic and the Pacific, and with the telegraph and the iron road connecting the two oceans.

Canadian nationalism differs from the nationalisms of the Old World in this, that while they draw their inspiration largely from the past, it draws its inspiration mainly from the future. Writers on nationalism, with their eyes fixed on Old World conditions, have laid great stress on common language, common religion, and common historical traditions as factors in nationalism, and they have as a rule ignored the factor of common hopes for the future. Yet this is one of the most important elements in New World nationalism. And if this is so, if Canadian national feeling has its eyes set on the mountain-tops of promise, rather than on the valleys of achievement, the fact is in large measure due to the vista of possibilities opened up by Confederation, and especially by that crowning phase of Confederation, the acquisition of the Great West.

1 Reprinted in Morris, Nova Britannia.
III. The Canada First Movement.

Confederation was hardly completed when there sprang up in Canada an organized movement of an avowedly nationalist character. This movement—known from its motto as "Canada First"—made only a brief attempt to invade the arena of party politics, and it left no lasting impress on Canadian political history. For this reason it has received scant attention at the hands of most Canadian historians. Yet it was a movement of profound significance in Canadian history; and certainly in any account of the growth of Canadian national feeling, it must occupy a place of primary importance.

Canada First had its origin in the chance meeting in Ottawa in the spring of 1868 of five young men. These five, all of whom were native Canadians, and only one of whom was over thirty years of age, were Henry J. Morgan, the writer; Charles Mair, the poet; Robert J. Haliburton, the eldest son of the author of Sam Slick; George T. Denison, a member of an old United Empire Loyalist family; and W. A. Foster, a Toronto barrister, with whose name more perhaps than with any other the new movement came to be connected. Though they came from all parts of the Dominion the five men quickly became warm friends, and they fell into the habit of meeting frequently in Morgan's rooms to discuss the future of the new Confederation. They were all agreed on the necessity of fostering by all means possible a national spirit in Canada as the surest bond of unity which Canadians could have; and before they separated, they pledged one another that they would do all in their power to encourage the growth of national sentiment. Mair went soon afterwards to the North-West, whence he contributed to the Toronto Globe a series of articles intended to inspire Canadians with a sense of the greatness of their heritage. Haliburton went on tour through Ontario, Quebec, and his native Nova Scotia, lecturing on inter-provincial trade and other subjects having a bearing on national feeling; and Denison prepared a lecture on The Duty of Canadians to Canada which he delivered in many places throughout Ontario.

1 The best first-hand account of the Canada First movement is to be found in Colonel George T. Denison's The Struggle for Imperial Unity, Toronto, 1909. Another account, less full, and from a different angle, will be found in Goldwin Smith's introduction to Canada First: A Memorial of the late William A. Foster, Q.C., Toronto, 1890.
and even in Halifax, though here—it is interesting to note—under an altered title. Gradually new members were added to the little group—Schultz of Manitoba, Edgar of Toronto, and a few others—until it acquired the nickname of "The Twelve Apostles".

In 1870 the group, feeling the need for some definite organization, which would yet be non-political in character, formed the North-West Emigration Aid Society. This society became a sort of stalking-horse for what now came to be known among its members as the "Canada First" party. The name "Canada First" seems to have originated with Edgar and Denison; Edgar suggested as the motto for the Twelve Apostles, "Canada before all, or Canada first of all", and Denison seized on the phrase, "Canada First". But the name did not obtain general currency until the publication in 1871 of Foster's now famous lecture entitled Canada First; or, Our New Nationality. Foster, who was of a retiring disposition, had hitherto limited his efforts to occasional contributions to the Toronto Telegraph; but at the request of his friends he at last undertook to prepare and deliver this public lecture. The lecture was published first in the Toronto Globe, and afterwards it was issued as a separate brochure, and from the outset it attracted widespread attention. Read in cold blood to-day, it may seem, as Goldwin Smith said, to belong "to the heyday of Confederation and of youth", but its effect at the time was great. It embodied in passionate phrases a growing sentiment, it gave coherent shape to a floating idea, and it provided the Canadian nationalists with a rallying-point.

The first part of Foster's lecture was devoted to an eloquent survey of Canadian history, with a view to showing that the achievements of Canadians had been such as any people might take pride in. Lest, however, Canadians might vaunt themselves unduly, they were reminded that Canada was still spoken of slightingly in the outside world. "The normal Old World idea respecting us and our country resolves itself into huge pictures in which frost and snow, falling timber, snow-shoes, furs, and wild Indians are the most prominent, if not the only, objects of vision." For years, moreover, British policy had "isolated the Provinces to prevent their absorption in the neighbouring Republic, and in so doing stunted the growth of a native national sentiment". Consequently, even among Canadians themselves there were those who had little confidence in the future of their country. "There are too many Cassandras in our midst; too many who whimper over our supposed weakness and exaggerate others'
supposed strength." What was needed was the encouragement of a strong national spirit. "Unless we intend to be hewers of wood and drawers of water until the end, we should in right earnest set about strengthening the foundations of our identity." That there were difficulties in the way was not denied. "There are asperities of race, of creed, of interest to be allayed, and a composite people to be rendered homogeneous." But the task of fusing and blending the diverse elements in Canada was pronounced to be less difficult than it seemed. All that was needed was "some common basis of agreement strong enough to counteract disintegrating tendencies"; and this common basis, it was affirmed, was to be found in an all-Canadian national feeling.

During the two or three years which followed the publication of Foster's address, it was frequently suggested that Canada First should organize itself as a definite political party. The wiser heads of the party, realizing that to do so would embroil them with the older political parties, preferred to exert an influence through less formal channels. It was, indeed, one of the earliest articles in the creed of Canada First that partyism was an evil, and that an attempt ought to be made to get back to the golden days

When none was for a party,
When all were for the State.

Gradually, however, the temptation to invade the political arena became too strong to be resisted. In the autumn of 1873, Thomas Moss, one of the Canada First men, was nominated as the Liberal candidate for the representation of West Toronto in the House of Commons, and though Canada First did not join his organization, it gave him its hearty support and held a meeting in his favour. At this meeting Foster spoke, and moved a resolution which openly advocated the formation of a "Canadian National party". The resolution was passed with enthusiasm, and it bore fruit a short time later, on January 6, 1874, in the formation of the Canadian National Association. The new association, which was avowedly political in character, included in its membership not only the original Canada First men, but also a large number of new associates. Foster, however, still remained the guiding spirit of the party. It was he, apparently, who drafted the platform of the National Association. This platform is, without question, one of the most interesting documents in Canadian political history, not only because it sum-
marizes the ideas of the Canada First party, but because of the uncanny way in which it anticipates the lines along which Canada was destined to develop. In its published form the platform ran as follows:

1. British Connection, Consolidation of the Empire, and in the meantime a voice in treaties affecting Canada.
2. Closer trade relations with the British West India Islands, with a view to ultimate political connection.
3. Income Franchise.
4. The Ballot, with the addition of compulsory voting.
5. A Scheme for the Representation of Minorities.
7. The imposition of duties for Revenue so adjusted as to afford every possible encouragement for Native Industry.
8. An improved Militia System, under the command of trained Dominion officers.
9. No Property Qualifications in Members of the House of Commons.
10. The Reorganization of the Senate.

In this platform the first and eighth planks forecast important phases of the growth of Canadian autonomy; the sixth anticipates the immigration policy of the last quarter of a century; the seventh contains in germ the doctrine of the National Policy; and a number of others call for reforms which are being mooted to-day.

The entrance of Canada First into the sphere of practical politics at first promised well. Thomas Moss was elected for West Toronto, and the hopes of Canada First rose high. In 1874 the leaders of Canada First founded a weekly journal, significantly named The Nation, as the organ of their party, and they founded also the National Club in Toronto, in which it was intended that Canadians of all parties might meet together on a broad national basis. Finally, in 1874 Canada First found, or thought it found, a leader of the first rank in Edward Blake, whose reputation was at that time nearing its meridian. Blake had broken with Alexander Mackenzie and George Brown, and on October 3, 1874, he delivered at Aurora, Ontario, a speech—

Published, together with numerous press comments, as a pamphlet (Ottawa, 1874), under the title A National Sentiment.
still famous as "the Aurora speech"—which aligned him unmistakably with the party of Canada First. The Aurora speech was, indeed, little more than an amplification of the platform of the Canadian National Association. Blake preached the federation of the Empire, the reorganization of the Senate, compulsory voting, extension of the franchise, representation of minorities, and, above all, the cultivation of a national spirit. "The future of Canada, I believe," he said, "depends very largely upon the cultivation of a national spirit. We must find some common ground on which to unite, some common aspiration to be shared, and I think it can be alone found in the cultivation of that spirit."

The delight of Canada First, when Edward Blake thus put himself at its head, was unbounded. It seemed as though the party were on the eve of a great future. In an address before the Canadian National Association in February, 1875, Foster seems to have looked forward to the break-up of the old-line political parties. "When a matter of great importance is brought home to the minds of the people," he said, "the withes of party become as tow. This is our encouragement and the source of our hope."

But the hope was hollow. In the autumn of 1875, Edward Blake—his hot fit of insurgency having cooled off—went back into the Liberal camp, and again accepted office in the Mackenzie administration. The defection proved a sore blow to Canada First as a political party. It was as though the captain of the host had deserted in the face of the foe. The members of the party lost heart, and the party itself gradually broke up. At the end of 1875 The Nation ceased publication. The National Club became a purely social organization. The Canadian National Association disappeared from view. Foster, who had never loved the limelight, withdrew within the circle of professional and domestic life; and the other members of the party drifted off, some of them to follow strange gods, such as independence, or annexation, or imperial centralization.

The truth probably is that Canada First never had a real chance of life as a political party. So long as it remained an intellectual movement it was able to continue its work undisturbed, but once it entered the political battle-field it roused the jealousy and suspicion of the two older political parties, and so drew on itself a concentrated fire from two sides. The vitriolic vehemence with which the official organs of both the Liberal and Conservative parties attacked the political platform of Canada First is one of the most amusing things in Canadian political
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history, especially in view of the fact that both these parties afterwards plundered the Canada First platform for most of their ideas. But in 1875 it was difficult for a nascent political party to meet this combined attack, and the more so since, by this time, divisions had begun to appear in the party itself. Some of the original members, such as Denison, had withdrawn when political action was decided on. Others interpreted the meaning of Canadian nationalism in different ways, some leaning towards nativism, others toward annexation or independence, others toward imperial unity. Consequently, Canada First as a political movement probably died a pre-ordained death. And this was, no doubt, fortunate, for the failure of Canada First as an organized party definitely eliminated the doctrine of nationalism from party politics in Canada. Had Canada First succeeded, it would have become in time a political party like any other; nationalism would have become the badge of a party rather than of the whole people; the common spirit would have become a contradiction of itself. As it was the influence of Canada First continued to operate in a purer and rarer atmosphere. The ideas which the Twelve Apostles had set out to preach to an unbelieving world have come in time to pervade the minds of all Canadians, to come to them as naturally as the air they breathe. As Charles Mair wrote in his lines in memory of Foster in 1888,

The seed they sowed has sprung at last,
And grows and blossoms through the land.

IV. NATIONAL AUTONOMY AND THE NATIONAL POLICY

To attempt to measure the growth of national feeling since the days of Canada First is impossible. There is no gauge for the things of the spirit. But that growth is written all over the political and economic history of Canada since 1875, and in particular it is seen in the development of Canadian autonomy within the Empire and in the triumph of the National Policy.

In 1874, in his Aurora speech, Edward Blake described Canadians as "four millions of Britons who are not free". Such language was perhaps open to the charge of exaggeration, and yet it contained an element of truth. There were still at that time very considerable limitations on Canadian self-government. In the field of foreign policy and international relations Canada was then all but voiceless. Even in regard to her domestic affairs her
autonomy was far from complete. She had no power to amend her written constitution. Her legislation even in domestic matters was subject to the disallowance of the British government, and indeed the governor-general, in his instructions, was specifically commanded to reserve certain classes of bills for the signification of the royal pleasure. Canada could not control the immigration entering her ports from the British Isles; she could not legislate with regard to Canadian shipping on the high seas; she could not control copyright within her own borders. The principle was not yet fully established that she should look after her own defence, or even the suppression of internal disorders. The force which put down the Riel Rebellion of 1870 was not a Canadian, but an imperial force. British troops still garrisoned Halifax, and the command of the military forces of Canada was still vested in an imperial general officer. Even in the executive and the judicial spheres restrictions remained. The governor-general had a prerogative which the Crown in England no longer enjoyed, the right of pardon; and for a final court of appeal Canadians had to go to the judicial committee of the Privy Council at Westminster.

The process whereby these shackles on the will of the Canadian people have been, and are being, struck off one by one, began almost immediately after the political death of Canada First. Canada First, by giving up its life, saved it. For once it was eliminated as a political factor, both the old political parties took up its doctrines and strove to put them into effect. The Liberal party, under the inspiration of Edward Blake, and later of Sir Wilfrid Laurier, adopted its ideas of constitutional autonomy; while the Conservative party, under Sir John Macdonald, adopted that plank in its platform which came to bear the name of the National Policy. Both parties, indeed, might be said to have adopted the main ideas of Canada First almost entirely, for the Conservative administrations of Sir John Macdonald, Sir Joseph Thompson, and Sir Robert Borden have followed faithfully, on the whole, the lines of constitutional development laid down by the Liberals, and the Liberal administration of Sir Wilfrid Laurier made no real attempt to reverse the National Policy. The history of Canada since Confederation has been the history of the rivalry of the two great political parties for the favour of the growing national feeling of the Canadian people.

The administration in power in 1875 in Canada was that of Alexander Mackenzie. In some respects Mackenzie's policy was anti-national, especially in regard to the building of the Canadian
Pacific Railway. But on the constitutional side Mackenzie was not unfavourable to Canadian nationalism. It was he who, in 1875, set up the Supreme Court of Canada as a sort of buffer between the provincial courts and the judicial committee of the Privy Council; and it was under him, in 1878, that Edward Blake, then minister of justice, obtained from the British government important concessions in regard to the powers of the governor-general. Blake persuaded the British government to withdraw from the governor-general not only the power of pardon but even the obligation to reserve classes of bills for the signification of the royal pleasure. This was far from being tantamount to the resignation by the British government of the power of disallowing Dominion legislation, but it marked the beginning of the period in which this power was used with greater and greater infrequency, and in which, indeed, the power may be said to have become, so far as Canada is concerned, obsolescent.

The government of Sir John Macdonald, which succeeded that of Mackenzie in 1878, made its chief contribution to the national development of Canada in the sphere of fiscal policy. It set up that protectionist system which was named, not by hazard, but by design, the National Policy—a name justified by the fact that protectionism is merely nationalism in its economic aspect. The rallying cry of the advocates of the "N.P." was, indeed, "Canada for the Canadians". But in some respects Macdonald's government showed itself also not averse to national development in the constitutional sphere. The appointment of a Canadian High Commissioner at London in 1879 not only gave Canada a representative of a semi-consular nature at the centre of the Empire, but it marked also the beginning of a new era in the relations of Canada with other countries. The Canadian High Commissioner came to be employed, at first in an advisory capacity, and then as a direct diplomatic representative, in the negotiation of treaties affecting Canada; and thus, through him, the right of Canada to be consulted with regard to treaties affecting her came to be admitted. In the sphere of defence, progress was made in the direction of a greater reliance by Canada on her own resources: it is noteworthy that, whereas the North-West expedition of 1870 was an imperial force, that of 1885 was Canadian. And just before the death of Macdonald in 1891, the government asserted vigorously, though unsuccessfully, the right of the Canadian parliament to legislate with regard to Canadian copyright and Canadian merchant shipping. Sir John
Thompson's fight for Canadian control of Canadian copyright, cut short by his untimely death at Windsor Castle in 1894, bade fair to place him, with Edward Blake, in the front rank of the champions of Canadian autonomy.

It was, however, during the régime of Sir Wilfrid Laurier that the development of Canadian autonomy took its greatest strides. Sir Wilfrid Laurier was one of the greatest of Canadian nationalists. Although he had opposed Confederation he loyally accepted it once it was achieved, and throughout his long political career he strove unceasingly to bring about harmony between the French and the English in Canada, to bind them together with a common national feeling. "Our respective forefathers were enemies and waged bloody war against each other for centuries," he said in his maiden speech in the Quebec legislature in 1871. "But we, their descendants, united under the same flag, fight no other fights than those of a generous emulation to excel each other in trade and industry, in the sciences and arts of peace." This ideal he kept steadfastly before him, and it affords indeed the key to his career. It explains, in particular, his attitude toward the position of Canada in the Empire. He conceived of the British Empire—to use his own eloquent phrase—as "a galaxy of free nations"; and both on Parliament Hill and at the repeated Imperial Conferences which he attended he resisted every attempt, from whatever quarter, to infringe upon the national autonomy of the great self-governing Dominions.

His actual contributions to the growth of Canadian autonomy were many. It was under him that the last imperial troops were withdrawn from Canada, that the fortifications at Halifax and Esquimalt were handed over to the Canadian authorities, that the military forces in Canada ceased to be commanded by an imperial officer, and that the policy of a Canadian navy was launched— that Canada, in short, assumed the full responsibility for her own defence. It was under him that the right of Canada to control and regulate British immigration was first successfully asserted by the Immigration Act of 1910. And it was under him that the interests of Canada in connection with the signing of imperial treaties were finally safeguarded, and that Canada acquired the right of negotiating direct with foreign states in regard to commercial matters. To say, as is sometimes said, that Canada acquired the treaty-making power is not perhaps technically

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correct; what she obtained was the right to make informal agreements with foreign states to bring in concurrent legislation. But this was, to all intents and purposes, the equivalent of the treaty-making power in commercial matters; and in 1908 the principle was adopted that, so far as political treaties were concerned, Canada was not to be bound by any imperial treaty unless she signified her willingness to be bound by it. These developments, as is obvious, went far toward making Canada a completely autonomous nation within the British Empire, and even toward making her a unit in international politics.

Sir Wilfrid Laurier fell from power because, despite his contributions to the cause of Canadian national autonomy, he embarked upon what was at least a partial impairment of the National Policy. His proposals for reciprocity with the United States were rejected by the national consciousness at the polls, and Sir Robert Borden came into power pledged to maintain the National Policy in its integrity. Sir Robert Borden was at first suspected of being less zealous for the cause of Canadian autonomy than for that of imperial unity, and the naval policy which he adopted in 1912 seemed perhaps to lend colour to this view. But in the end Sir Robert Borden has proved himself to be no less decided a champion of Dominion autonomy than Sir Wilfrid Laurier was. It was he who moved at the Imperial War Conference of 1917 the resolution regarding the future constitutional arrangements of the Empire which laid down the striking principle that "any readjustment of relations . . . must be based on the complete recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and must fully recognize their right to a voice in foreign policy and in foreign relations". His greatest achievement, however, was his success at the Peace Conference of 1919 in obtaining for Canada, together with the other self-governing Dominions, separate representation in the Assembly of the League of Nations, and even the right to have its representative elected to the Council of the League. This diplomatic victory means, if it means anything, that the nationality of Canada is now recognized, not only within the circle of the British Empire, but also within the circle of international politics. It marks the crowning point in the movement toward Canadian autonomy, and it is clear that beyond this point, short of absolute independence, the ideal of Canadian autonomy within the British Empire cannot be pushed much further.
The triumph of Canadian national autonomy and the impregnability of the National Policy are monuments of the growth of a national feeling in Canada. Without a strong national spirit these things could not have come to pass, and he would be a man of some temerity to-day who, in view of these developments, denied to Canada either a national feeling or a national status.

V. THE SITUATION TO-DAY

Canadian national feeling, however, is still young, and is still growing. It grew appreciably even during the period of the Great War. "Nationality," as Mr. A. E. Zimmern has pointed out, "means more to a Jew and an Armenian (probably the two oldest surviving forms of national consciousness) than to a Canadian; and, to quote a famous phrase, 'it means more to be a Canadian to-day' than it did before the second battle of Ypres."

Canadian nationalism, moreover, is far from absolute, since it contains within it two subordinate nationalisms, the British-Canadian and the French-Canadian, each based mainly on the element of language. There is in this fact itself nothing deplorable; for, as we have seen, two or more subordinate nationalisms may well exist within a single supernationalism. Indeed, a state which contains within it two or more varieties of national feeling is in some respects—pace the advocates of "self-determination"—in a more advantageous position than a state which contains within it only one type of nationalism. In the latter state nationalism is apt to become intolerant, to regard itself as the sole basis of citizenship; whereas, in a composite national state, people are likely to be forced to learn the lesson of toleration. A psychological phenomenon like national feeling is no more fitted to be the basis of the state than a psychological phenomenon like religious feeling. It has taken the world many centuries of religious wars to learn the lesson of religious toleration; and it is apparently going to take it some centuries of national wars to learn the lesson of national toleration. But once this lesson is learnt there is no reason why two nationalisms based on language should not continue to exist within a larger nationalism in which language is not a necessary ingredient.

From this point of view Canadians are peculiarly fortunate in that they have at the source of their national history a federal compact itself founded on the principle of toleration. The Confederation compromise is the sheet-anchor of an all-Canadian national feeling, and as long as the spirit underlying that compromise is not forgotten, the continued existence and growth of an all-Canadian nationalism should be assured.

There is, of course, danger that the lesson of toleration, once learnt so well by Canadians, may under other circumstances be forgotten. There have been in the past, and there are to-day, Canadians who would seem to have forgotten it, who have been willing to go behind the back of the Confederation compromise. There have even been proposals that Confederation should be disrupted. In January, 1918, there was introduced into the Legislative Assembly of the province of Quebec a resolution by Mr. J. N. Francoeur, the member for Lotbinière, to the effect that "this House is of opinion that the Province of Quebec would be disposed to accept the breaking of the Confederation Pact of 1867 if, in the other provinces, it is believed that she is an obstacle to the union, progress, and development of Canada." This resolution came in the wake of a serious conflict of opinion between the province of Quebec and the rest of the Dominion over issues arising out of the Great War; and feeling was then running high between the French and the English in Canada. Yet even at that time, and in that place, the resolution was not pressed to a vote, and the attitude of the majority of the members of the Assembly was expressed by the prime minister of Quebec, Sir Lomer Gouin, in a speech so sound and statesmanlike, so eloquent of the spirit of the larger Canadian nationalism, that it deserves to become a classic of Canadian oratory. In phrases almost ritualistic, Sir Lomer Gouin thus summarized his political creed:

I believe in the Canadian Confederation. Federal government appears to me to be the only possible one in Canada because of our differences of race and creed, and also because of the variety and multiplicity of local needs in our immense territory.

To make myself more clear I declare that if I had been a party to the negotiations of 1864 I would certainly have tried, had I had authority to do so, to obtain for the French-Canadian minority in the sister provinces the same protection that was obtained for the English minority in the province of Quebec. I would not have
asked that as a concession but as a measure of justice. And even if it had not been accorded me I would have voted in favour of the resolutions of 1864.

At the time of the debate of 1865 I would have renewed my demand for this measure of prudence and justice. And if I had not succeeded, I would still have declared myself in favour of the system as it was voted March 13, 1865. And even at this moment Sir, in spite of the troubles that have arisen in the administration of our country since 1867, in spite of the trouble caused those people from Quebec who constitute the minority in the other provinces, if I had to choose between Confederation and the Act of 1791 or the Act of 1840-41, I would vote for Confederation still.¹

These words breathe perfectly the spirit of the larger nationalism. They reveal a willingness to tolerate the rights—and even if you will, the prejudices—of others which many Canadians, both French and English, would do well to copy.

Before Canadian national feeling can attain to a full-orbed completeness, it may be necessary to revise somewhat the details of the Confederation compromise. That compromise, as embodied in the Seventy-Two Resolutions, was the result of a brief and hasty conference; and it is reasonable to suppose that, after the experience of the last half-century, there may be room for some revision of its details. In particular, it is desirable that there should be a new agreement with regard to the language question in the schools. It should be recognized frankly that the factor of a common language is not, and cannot be, an essential element in the growth of an all-Canadian national feeling; and while it may be too much to expect that the English-speaking provinces should give up their provincial control of education, while there are purely educational reasons why bilingualism should not be widely introduced into the schools of Canada, there are still obvious injustices to be remedied. It was clearly an oversight in the Confederation compromise that, whereas the French and English languages were placed on a parity in the federal parliament and the federal courts, there was no provision whereby the French language was given any standing as the language of instruction in the schools of the federal capital, where thousands of French-Canadian servants of the state are compelled to live. Whether

¹ A. Savard and W. E. Playfair (eds.), Quebec and Confederation: A record of the Debate of the Legislative Assembly of Quebec on the Motion proposed by J. N. Francoeur, member for Lotbinière, Quebec, 1918, p. 124.
the city of Ottawa and its environs could even at this late date be erected into a federal district, under the administration of the federal government, and with the same guarantees for both the French and English languages which exist at present in the federal sphere, is a large and difficult question; but if some such concessions as this could be made by the English-speaking majority in Canada, the result would be, no doubt, to consolidate greatly Canadian national feeling—a national feeling based, not on the factors of language and religion, but on those of a common fatherland, a common history, a common allegiance, common political ideals, and common hopes for the future.

W. S. WALLACE
THE STRUGGLE OVER THE LAWS OF CANADA,
1763-1783

THE most difficult problem which the acquisition of Canada presented to the government of Great Britain was to settle upon a system of municipal law for the country which would be satisfactory to the people as a whole. When the Treaty of Paris was signed on February 10, 1763, the people of Canada were, with exceptions numerically insignificant, of French origin. They were a branch of one of the most highly civilized nations in Europe, and had brought with them, and sedulously fostered, as much of the culture of the mother country as the changed conditions would permit. When Montcalm came to Canada, and had an opportunity of observing the surroundings into which his duty had cast him, he declared that, excepting Paris, there was no town in France in which the society was superior to that of Quebec.

The body of laws by which the civil relations of Canadians were regulated were those which were administered in France at the same period. A succession of judges and other law officers trained in the courts of France, combined with the strong centralizing policy pursued by the home government, held New France in closer bonds to Old France than those existing between New and Old England. The Coutume de Paris was the common law of Canada, and the learned commentaries of Ferriére and other French legists were adduced to establish points at issue in the courts of Canada. The edicts and ordinances decreed for the government of France lost none of their efficacy in Canada, if found applicable to the circumstances and conditions of this country.

This bit of France stretched along both sides of the St. Lawrence from a point not far above where the Ottawa enters the great river down to the Gulf, and up the Richelieu as far as Lake Champlain. The population, which numbered between seventy and eighty thousand, dwelt either in the towns of Quebec, Mon-
treal, and Trois Rivières, or in feudal fashion in the seigniories which lay side by side along the river fronts.

Had Great Britain had to consider only these people, its task would have been a simple one. Policy as well as humanity would have compelled her to continue the system of law which she found in operation on taking possession of the country. But the fortunes of her arms had gained for England, not a mere river basin, but half a continent, capable of sustaining in comfort millions of people; and the government had no notion of leaving these vast spaces unoccupied, while the French seed was multiplying and seemed likely in the progress of time, to fill them up. Without trammeling the development of the Canadians in any way, Great Britain might legitimately anticipate the occupation of the country in large part by her own sons.

The first act of the government would seem to indicate that this view had absorbed its attention to the exclusion of the facts of the situation. On September 7, 1763, the King issued a proclamation inviting British subjects from home and from the colonies to settle in Canada, and promised that they should enjoy every advantage to be found in the other colonies. As soon as conditions would warrant it, they were to have a house of assembly, and in the meantime they might rely on the protection of the laws of England.

Immigration at once set in, both from the older colonies and from Great Britain. Though at first inconsiderable in numbers, the newcomers soon became an important part of the population. They settled almost entirely in the towns, and the majority proceeded to engage in trade. Among them were representatives of several London mercantile houses. This was a field of activity which had not been taken up by the Canadians, whose transactions, though of considerable magnitude, were left almost entirely in the hands of a great fur company, the Compagnie des Indes.

Under the skilful and energetic management of the English merchants, trade developed rapidly. The transactions between Great Britain and Canada in the year 1764 amounted to £296,000

\footnote{The government was, as a matter of fact, fully acquainted with the situation, through information obtained by the Board of Trade. Lord Hillsborough, a member of the Board of Trade, indeed declared that the construction generally given to the proclamation did not correspond with the intentions of the government (Can. Arch. Q. p. 344).}
These merchants, whether coming from the colonies or the mother country, had lived and carried on their activities under the laws of England, and their natural predilection for these laws was no doubt enhanced by an arrogance perhaps not less natural. Allied with these in preference for the laws of England, so far at least as they related to commerce, was another class which was coming into existence, though slowly. As commerce rose into importance, it attracted the attention of some Canadians. They associated themselves with the British merchants, gained experience under their tutelage, and, in the conduct of their affairs, looked to the commercial laws of England as the rule of right.  

Here then was the situation which confronted the legislators on whom it fell to frame a system of laws for Canada. On the one side were the vast majority of the people who knew none but the French laws and customs. On the other was a body almost insignificant numerically, but important from the nature and magnitude of its transactions, and which, under favouring auspices, had in it possibilities of indefinite expansion. This body knew no laws but those of England, and, what was of equal importance, its members all had relations with commercial houses in Great Britain, who insisted on the regulation of those relations by the laws of England.

The situation was far from simple. To satisfy the legitimate and apparently irreconcilable demands of the two races called for a nice skill on the part of the government. But there is little evidence that the government had any sense of the complications which confronted them in settling affairs in Canada.

The royal commission to the governor, setting forth the commands imposed upon, and the powers entrusted to, him in the exercise of his high office are, in all essential particulars, identical with the commission issued to the governor of New York in 1754. Among his powers was that of calling an assembly and, with the legislature thus constituted, making laws not "repugnant but as near as may be agreeable to the laws and statutes of this our Kingdom of Great Britain". The governor was also empowered, with the consent of his council, to erect courts of justice for the hearing and determining of all causes according to law

1 Shelburne Papers, Can. Arch., v. 102.
2 Finlay's observations on the Ordinance of 1777 (Finlay Papers, Can. Arch.).
3 Maseres, A Collection of Several Commissions, etc., London, 1772, p. 239.
and equity. In his instructions, which accompanied the commission, Murray was enjoined, in constituting courts of justice, to consider what had taken place in the other colonies, particularly in that last formed—Nova Scotia.

One seeks in vain, in either commission or instructions, for a word to indicate that, in providing for a judicial establishment and system of laws, the government gave a thought to the fact that the people for whom they were making provision were practically all of another highly civilized nation.

Within little more than a month after civil government was established in Quebec, Murray issued an ordinance erecting civil courts, and prescribing the law which should be applied. The ordinance was prepared by the chief justice, William Gregory, and the attorney-general, George Suckling. Neither of these officers understood the French language or laws, and they must have been vastly relieved by the specifications they received from Murray. Suckling before his appointment in Quebec had resided in Nova Scotia, where he had practised at the bar, and had been a member of the assembly. He was, therefore, fully qualified to draw up an ordinance on the lines of Nova Scotia practice, which Murray was directed to take for his guidance.

The ordinance established two courts, a court of King's Bench and a court of Common Pleas. Over the former the chief justice presided with authority to determine all criminal and civil causes. The court of Common Pleas dealt with civil cases only. It was presided over by three judges, none of whom, incidentally, had had any legal training, and its jurisdiction covered all cases in which the matter in dispute was over the value of £10.

In the court of King's Bench, the judge was required to apply the laws of England and the ordinances of the province. In the Common Pleas, which Murray stated to be for the Canadians only, the judges were to be governed in their decisions by equity, having regard nevertheless to the laws of England so far as the circumstances and present situation would permit. Canadians might practise in this court, though not in the court of King's Bench.

For the determination of small cases, justices of the peace were appointed, who sat singly, in pairs, or three together. The

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1 Minutes of Legislative Council, A., August 20, 1764.
3 Const. Docs., v. 1, p. 149.
single justice had a jurisdiction up to £5, two justices up to £10, and three up to £30.

The substantive law remained unchanged until the Quebec Act came into force. But the adjective or administrative side underwent several changes, mainly in the direction desired by the Canadians.

By the first ordinance, Canadian lawyers were confined in their pleadings to the court of Common Pleas, and in both courts juries were chosen indiscriminately. On instructions from the home government Canadian lawyers were put on an equal footing with those of British origin in both courts, and juries were chosen according to the nationality of the litigants. If both parties to a suit were of one nationality, the jury was selected entirely from persons of that nationality; if the parties were of different nationalities, the jury was composed of half British-born and half Canadians.\(^1\)

In 1770 a change of a more radical character was made. One of the great distinctions between the practice before the Conquest and after, was that during the French period the courts sat very frequently—twice every week; under Murray's ordinance, which was based on British practice, the courts sat only twice a year at Quebec and annually at Montreal. A third term was added shortly after Murray's departure, but, even with this addition, the courts at Quebec heard cases only three times a year—in January, June, and October. This was considered by Canadians one of the greatest hardships attaching to the British judicial system, and in the ordinance of 1770\(^2\) provision was made for the adoption of the French mode in the court of Common Pleas. This court sat twice a week, hearing cases under £12 value on Fridays, and cases of that amount or greater on Saturdays.

The administration of justice by justices of the peace was greatly restricted by the same ordinance. They had proved a total failure. The justices were required to be Protestants, and were therefore nearly all of British origin. They were either chosen from men engaged in business, whose time was so occupied with their own affairs that they could not give adequate attention to their judicial duties, or they were men who had no regular occupation, and who looked upon their duties on the bench as means of providing part, at least, of their livelihood. In the

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\(^1\) Const. Docs., v. i, p. 172.

\(^2\) Const. Docs., v. i, p. 280.
THE STRUGGLE OVER THE LAWS OF CANADA

words of the ordinance abolishing their jurisdiction, they had "become an intolerable burden to the subject, and proved the means of great disquiet, vexation and oppression".

Before leaving this part of the subject, it should be noted that the courts of Common Pleas were not, in practice, ill-adapted for the fulfilment of the original intention of making them courts for Canadians. They sat, twice a week, in both Quebec and Montreal; Canadian lawyers pleaded their cases before judges who were either Canadian, or had a competent knowledge of the French language; and, if juries were desired, Canadian juries decided on the facts in dispute between two Canadians, and where the litigants were of different nationalities, Canadians made up half the juries. The expense of suits, which was crushing in the first years of civil government, was brought within limits by the ordinance of 1770, of which no person had reason to complain.

During the period between the establishment of civil government and the inauguration of the Quebec Act, many of the French laws and customs ran concurrently with the English laws. In every part of the province were notaries who had practised during the French period, and who were taken over and re-commissioned by the British governors.¹

Their forms and modes of practice were not affected by the change of government. Thus, in the disposition of the estates of Canadians, the French laws relating to inheritance and to the distribution of personal property were commonly applied, and the French forms were in ordinary use for the conveyance and mortgaging of landed property.²

In the Superior Court, also, the hardships were greatly mitigated. It is true that the laws of England were the rule in this court, but there was no longer a difficulty respecting language. After Chief Justice Gregory had been removed, his place was taken by William Hey, who, as well as the attorney-general, Maseres, had an easy use of the French language.

Conditions in Quebec with reference to the legal establishment had been engaging the attention of the government at home. Memorials had been presented by both Canadian and British-born subjects expressing dissatisfaction with existing arrangements. The law officers of the Crown, to whom these memorials

¹ Forty-one Canadian notaries were re-commissioned by the British government. There was one notary at least in every part of the province (Roy, Notaries de Québec, 1906).
were sent for report, traversed the situation created by the governor's ordinance, criticizing several of the features of the latter, and making recommendations of radical changes, the chief of which was that in all questions touching real property the former French law should be the rule of decision.¹

The government of Lord Rockingham, which was in office at the time, seemed disposed to act upon the recommendations of the law officers of the Crown, but the opposition of the chancellor, Lord Northington, frustrated the intention, and his retirement, in connection with this question, brought about the downfall of the government.² In the following year the report of the law officers was submitted to the Chatham government, which had succeeded that of Lord Rockingham. The report underwent the same fate as in the previous year, and from the same cause. Northington, who remained chancellor in the Chatham administration, took the not unreasonable ground that the government had not enough information to go upon in making radical changes, and that enquiry should be made from those having first-hand information before action was taken.³ The ministry accepted this view, and Lord Shelburne, the colonial secretary, directed the governor and law officers in Quebec to make reports and at the same time sent out his secretary, Maurice Morgann, to investigate conditions.⁴ After a stay of nearly a year and a half, Morgann returned to England bearing with him the reports from the officers in Quebec as well as one made by himself.

All these papers were turned over to the attorney-general, the solicitor-general and the advocate-general, all of whom made elaborate reports and recommendations.⁵ Of opinions and conclusions there was such an embarras de richesse that the government decided to take the subject into its own hands and frame an Act in accordance with the policy dictated by both honour and expediency.⁶ The bill before being submitted to parliament, passed through several drafts, a consideration of which will show

¹ Const. Docs., v. i, p. 177.
² Rockingham Memoirs, v. i, p. 350 et seq.
⁴ Const. Docs., v. i, p. 201.
⁵ Const. Docs., v. i, pp. 296-337.
the progressive steps by which a measure conformable to their policy was finally attained.\(^1\)

The aims of the government and the means by which it was intended that they should be realized can be found in the Quebec Act itself, in Lord North's explanations,\(^2\) and in the royal instructions sent out for Carleton's guidance in the administration of the act. The aims of the government, which were the satisfaction of the legitimate demands of both sections of the population, the government hoped to achieve partly by the provisions of the Act and partly by the action of the Quebec legislature, in the exercise of powers entrusted to it by the Act.

Conscious of the inability of the parliament of Great Britain to legislate satisfactorily for the needs of a distant colony, the government decided that the most they could safely do was to furnish the Quebec legislature a basis from which they could work, a point of departure for those, who, being on the spot, would have the intimate knowledge of the requirements of the colony, and of the means of meeting those requirements. That basis they were of opinion should be the civil law of France—the criminal law of England being accepted without serious demur by both portions of the community. As changes were made in the French civil law to meet the needs of the English portion of the population, they would be published as enacted, and would thus become part of the known law of the province.\(^3\) To this end it was enacted that all causes relative to property and civil rights should be determined "agreeably to the said laws and customs of Canada until they shall be varied by any ordinances that shall from time to time be passed by the Governor . . . by and with the advice of the Legislative Council".

What the government had especially in mind in leaving these powers in the hands of the local legislature is clear from the instructions to Carleton. By the twelfth instruction\(^4\) the governor was directed that, while in all cases touching real property and the distribution of the personal property of intestates the Canadians should have the benefit of their old laws and customs, the Legislative Council should apply themselves to considering whether the laws of England might not be, if not altogether, at

\(^1\) The several drafts will be found in Const. Docs.
\(^2\) Cavendish, Debates.
\(^3\) This, Carleton testified before the House of Commons, would not be objected to by Canadians (Cavendish, Debates, p. 106).
\(^4\) Const. Docs., v. i, p. 422.
least in part the rule for the decision of actions grounded upon debts and contracts, whether of a mercantile or other nature, and of wrongs proper to be compensated in damages. The thirteenth instruction pointed out that provision for personal liberty was an object which the legislature ought never to lose sight of, and directed attention to the desirability of a law providing for a writ of Habeas Corpus, “which is the right of every British subject in this Kingdom”. The governor was required by the seventh and eighth instructions to communicate forthwith to the Council all instructions in which their advice and consent were requisite, and to permit the members to have and enjoy freedom of debate and vote on all matters of public concern that might be debated in Council.

Ample provision seems to have been made by the foregoing terms of the Act and the royal instructions for a satisfactory solution of the difficulties of the situation. All thereafter depended on the action of the governor. Carleton well knew the wishes and anxieties of the British government on this head, as he had been in England since 1770, and did not leave until after the Act was sanctioned by the king.

When Carleton arrived in Quebec he received a grateful welcome from the Canadians.1 Among the British-born, however, causes for great anxiety existed. The Quebec Gazette,2 the only newspaper published in the province, and the official organ of the government, in its issue of August 18, 1774, published an abstract of the Quebec Act. From it the British-born subject learned that in all controversies relative to property and civil rights between His Majesty’s subjects, whether Canadian or English, “resort shall be had to the laws of Canada and not to the laws of England, for the decision of the same”. These were the words of one of the drafts of the bill, but not of the Act as finally passed, but the British merchant in Canada had no knowledge of the facts beyond what appeared in the official gazette.

At a stroke, as he had been informed, the laws on the faith of which he had come to Canada and by which his property had been protected for ten years, were wantonly swept away, and that in terms so uncompromising as to leave him without a shadow of hope for their restoration.

1 Const. Docs., v. i, p. 410.
2 A file of the Quebec Gazette from its commencement on June 21, 1764, is on the shelves of the Public Archives of Canada.
Carleton, in a report made on November 11, 1774, indicates an alarming condition of affairs among the British-born portion of the population. They were, as he intimates, seething with sedition. Under the impulse given by the merchants of Montreal, who, as Carleton inclined to think, were of a more turbulent turn, the merchants of Quebec combined to voice their sentiments in letters of thanks to the corporation of London, and petitions to the king and houses of parliament.

It might have been anticipated that Carleton would not have allowed a day to pass before he corrected the lamentable impression created by the false news item in the Gazette. The good faith of the sovereign, the anxiety of the government, and the interests of the class by whom the country was being set on its feet all demanded it. How deeply the British government felt on the subject may be gathered from a letter of the colonial secretary of December 10, 1774, in which, after noting Carleton’s report of the satisfaction occasioned among the Canadians by the terms of the Quebec Act, he infers from Carleton’s silence that the natural-born subjects were not equally pleased. The colonial secretary was confident, however, that when the whole plan was disclosed to them they would not be behind the Canadians in their satisfaction. He urged Carleton, by every argument which the good sense of the latter would suggest, to persuade the natural-born subjects of the attention which had been paid to their interests in the adoption of the English laws, as far as was consistent with what was due to the just claims and moderate wishes of the Canadians.

We must now inquire how Carleton carried out these instructions. Although he must have been blind not to realize that one great and justifiable cause of the general discontent among the British-born people was the news that the king had broken faith with them, and compelled them to look to the French laws, to them unknown and deeply mistrusted, for the protection of their property and civil rights, he took no steps to correct the misinformation until ten weeks after his arrival in the province; and at no time did he give a hint of what was involved, of interest and hope to them, in the words of the Act “until they [the laws and customs of Canada] shall be varied or altered by any ordinances” passed by the governor-in-council.

1 Const. Docs., v. i, p. 412.
2 Const. Docs., v. i, p. 411.
3 The Act was first published in the Quebec Gazette on Dec. 8, 1774.
When Carleton’s commission and instructions reached Quebec, he was fully engaged with matters concerning the defence of the province, and it was not until August, 1775, that he was sufficiently free to call a meeting of Council. At that meeting he presented his commission, but, in spite of the royal orders that such parts of his instructions as required action on the part of Council should be laid before that body forthwith, he submitted none of these. He did recommend that a committee should be appointed to prepare the heads of an ordinance to establish courts of justice, but left the committee in ignorance of the orders from the government at home. Yet he had in his possession at that time the draft of an ordinance approved by the government which would have given ample satisfaction to the British-born subjects, and could by no possibility have aroused any reasonable opposition among the Canadians. This ordinance met the ardent desire of the old subjects to have facts in dispute settled by juries, but at the same time provided arrangements, by which the determination of such facts could be left in the hands of the judges, if both parties to the suit preferred to dispense with juries.

It has been contended that the governor could not with prudence have made these concessions to the old British subjects, as it would have alienated the French. But there was nothing in the concessions to give offence to any reasonable person. There was no derogation from the rights granted to the Canadians in the Act. They had their civil laws in all matters in which they were interested, and Carleton had admitted before the House of Commons that the Canadians would have no objection to the English commercial laws, if the latter were published, so that they might know what these laws were. The British government, with all the facts before them which Carleton and Hey could furnish, did not hold with Carleton’s views; and, moreover, Carleton knew that his action would be disapproved, for to the offence of disobedience of orders, he added that of concealment. He wrote home on many matters, but did not mention that he had failed to carry out his instructions; and it was over two years before the government in England learned that their instructions had been disobeyed.

Hey, the chief justice, who had returned from England a short time before, and was at the August Council, endeavoured to

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1 Journals of Legislative Council, D. p. 3.
induce the Canadian members to yield on the point of the English commercial laws, but they refused.1 "Je me renferme dans le Bill" was the answer of each, and who shall blame them for declining to make gratuitous concessions, not asked for by the governor, nor, so far as they knew, desired by the British government?

The events in the course of the war made it necessary to defer further meetings of the Council until the spring of 1777. At the first session, the new judicature ordinances were introduced.² In nearly all essential particulars they were a reproduction of the ordinance of 1770. They contained, however, some outstanding features. Provision was made for the use of the English laws of evidence, and all provision omitted for the ascertainment of disputed facts by the verdict of a jury. The jurisdiction of the Court of King's Bench in the matter of civil causes was also abolished, the functions of this court being confined to the trial of criminal causes.

When the ordinance for establishing a court of civil judicature was under discussion, Hugh Finlay, one of the oldest members of the Council, and the consistent friend of the Canadians, made a strong plea for optional juries. He had, he said, no desire to force this mode of ascertaining facts on any suitors, who would prefer another mode, but the Englishman looked upon trial by jury as his birthright, and, on the understanding that suitors might elect to have their differences settled by judges if they chose, he urged the Council to make this concession in commercial cases. But he was silenced by a peremptory notice from Carleton that the mention of a jury in the ordinance would vitiate the whole, and he would not assent to it.³

In the following year a new personality appeared on the scene, who managed to raise the veil with which Carleton had concealed from the British government the measures he had taken on the instructions of the Home government. Hey, the chief justice, retired; and he was succeeded by Peter Livius, who had had extended colonial service as a judge in New Hampshire, and who had suffered as a Loyalist.

Chief Justice Livius was a strong legalist. Any departures from the regular course of law were repugnant to him, and he was exceedingly sceptical of attempted justifications on the ground

1 Hey to Lord Chancellor, August 28, 1775 (Const. Docs., v. i, p. 458).
2 Const. Docs., v. i, pp. 464, 466, 471.
3 Finlay Papers, in Can. Arch.
of necessity. He was quick to detect and pertinacious to pursue any irregularity in administration. As a consequence he was apt to be troublesome to colonial governors, who, being soldiers, lacked something of that veneration for law and precedent which a training in the law tends to engender, and whom distance from the seat of authority permitted to slip easily into disregard of the law, when it stood opposed to their plans.

The most vexatious feature of the contentions of a man of this sort is that he is often right. In New Hampshire, Livius arraigned the governor for improper practices in connection with the granting of the Crown lands. The Privy Council had to admit that his charges had foundation, but, owing to the general excellence of the governor's administration, they were not prepared to recommend removal.\footnote{Acts of Privy Council (Unbound Series), p. 541.}

When Livius came to Quebec as chief justice he rather gratuitously took up the case of several persons confined in the jail on suspicion of sedition, and gave Cramahé, the lieutenant-governor, much uneasiness by his declared resolution to set them free, if adequate legal reasons for their confinement were not produced.\footnote{Can. Arch., Q. 14, pp. 233-253.}

It was, then, as a somewhat unpopular personage that he entered the Council in April, 1778. On the 8th of that month, at the second sitting of the Council which he attended, he introduced a motion which was calculated to bring Carleton to bay. He moved that, as the Council had not hitherto had communication of His Majesty's instructions for making and passing laws in the province, his Excellency be humbly requested to communicate to them such royal instructions as he might have received relative to the legislation of the province and as he might think proper to be disclosed to them, to the end that the Council might dutifully endeavour to conform themselves to His Majesty's intentions, and, as far as they were able, carry into effect His Majesty's most gracious purposes for the good government of his subjects in the province.\footnote{Journals of Legislative Council, D. p. 35.}

Had the Council been composed of men of independence, a motion so proper in substance and so unexceptionable in form could scarcely have failed of adoption, and Carleton's position would have been awkward. But Carleton had no ground for fear. The majority of the Council were bound to him by motives...
of fear or interest, and the motion was rejected by a vote of eleven to five.

A more prudent man would have accepted this decision, as conclusive of the general attitude of the Council towards the governor, and have turned his attention to such things as might fall within the limits of the governor's good pleasure. But prudence is not to be looked for in an infatuated reformer of abuses, and a fortnight later Livius brought in another motion, which proved his undoing.

Carleton had, without authority of any sort, formed a small body of five members within his Council, to which he entrusted all the work of the Council, except the enactment of laws. This body, which he called his Privy Council, was at his service at all times, and the remaining members, who numbered from twelve to eighteen, were omitted from participation in any of the business of the province, except the work of legislation.

Livius determined that this system should be brought to an end, and that the Council as a whole should be restored to their position in the administration of the province. But his motion to that effect had no better fate than his earlier motion. Consideration of it was precluded by a sudden prorogation, and six days later, he received a note of three lines from the provincial secretary informing him, by the governor's command, that he was no longer chief justice. An appeal to the governor for the reasons for this astonishing message brought no other reply than a verbal one from the secretary that there was no answer.

Livius promptly laid the whole case before the Home government, who then called upon Carleton for an explanation. Carleton, who had meanwhile retired, and who was in England at the time, declined to make any statement. He would leave, he said, Livius to explain his proceedings in Council, and his transactions with Cramahé in the preceding autumn. Their lordships would be able to judge whether it would have proved detrimental to the King's service and to the tranquility of the province, had Livius continued as chief justice during Haldimand's administration.

But it was impossible to permit so grave a matter as the dismissal of a chief justice to be disposed of in so cavalier a manner.

1 Journals of Privy Council (Quebec), D. p. 1.
2 Journals of Legislative Council, D. p. 40.
The Board of Trade, to whom the papers were referred, reported, after a review of all the facts, that the conduct of Livius had been blameworthy on neither point. The earlier motion had been, in effect, a call upon the governor to comply with His Majesty's commands. By a communication of these instructions, the Board declared, His Majesty's gracious ends and designs in the constitution proposed for the province would have been fully manifested; and they could not see how the Council, empowered as they were by Act of Parliament to all purposes of legislation jointly with the governor, could, without this communication, be so well instructed either in their own duty or in His Majesty's gracious will and pleasure, as to what might be fitting to be provided for by law within the province agreeable to the Quebec Act. Furthermore, they advised that, lest a constitution calculated to promote the welfare and happiness of His Majesty's subjects in Quebec should be mistaken or withheld, the governor should be commanded, forthwith to carry out the instructions conveyed to him.

Livius was ordered to be reinstated. But, though restored to the position of chief justice, Livius did not return to Quebec. The province being still in danger, it was necessary to set aside the ordinary processes of law, and, as Livius was uncompromising in his opposition to the irregular measures which the exigencies of the state demanded, he was not allowed to return, though he held the emoluments of the office until 1786.

In June, 1778, Carleton, owing to the ill terms existing between himself and the colonial secretary, Lord George Germain, retired, and was succeeded by Frederick Haldimand. Haldimand was no stranger in Canada. He had taken part in the siege of Montreal, and, during the Règne Militaire, had been for a time governor of Trois Rivières. His government in this period had been all that could be desired. His uprightness and loyalty of character, and his concern for the well-being of the people over whom he had been placed, made him an excellent governor of the autocratic type. But in the intricacies of the civil government under a constitution he was hopelessly at sea.

A Swiss soldier of fortune, who, after service in several foreign states, had entered that of England in 1756, and was thereafter constantly engaged against either the French or the Americans, he

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had had no opportunity to learn anything of the British constitution. Even his knowledge of the language was a late acquisition. While in Trois Rivières, he wrote to his friend, General Gage, telling him of his three British merchants, who had some confused notions of a certain *magna charta* upon which they founded unlimited privileges.

On Haldimand, ignorant of the British constitution and of the traditions of liberty which were the pride of Englishmen, fell the task of conciliation in which Carleton had failed. In addition to the general instructions, which, in these respects, were identical with those sent to Carleton, a special instruction was conveyed to Haldimand directing him to communicate to his Council, by the first opportunity and without delay, such of his instructions as called for their advice and consent. Unfortunately, Haldimand took the conduct of his predecessor, rather than the positive orders of his superiors, as his guide, and he assumed the responsibility of disregarding these orders.

But the Council, bare as it was in men of independence, was not entirely without them. The role which Livius had been compelled to relinquish, was taken up by George Allsopp. Allsopp had come to Canada in 1760 as a merchant, and was for a time deputy secretary and registrar and clerk of the Council. In 1775, on Carleton's recommendation, he had been made a member of the Legislative Council. He had supported Livius in his demand for a view of the governor's instructions respecting the judicature, and was as persevering as the latter in his resistance to encroachments on personal liberty.

In February, 1780, Allsopp made a motion in Council, requesting with much humility that the governor disclose to Council all instructions from His Majesty relative to the passing of laws for the good government of the province. But the Council were as little disposed to force Haldimand's hand, as it was to bring pressure on Carleton, and, by a call for the previous question, sidetracked Allsopp's motion.

Four days later, Haldimand so far relaxed as to lay two of his instructions before Council, informing them, however, that he had two or three others relating to the administration of justice which he did not think fit to submit at that time. These were the crucial instructions relating to the English commercial laws and to *Habeas Corpus*.

Journals of Legislative Council, D., p. 61.

Journals of Legislative Council, D., p. 67.
In the following year, 1781, it became necessary to renew Carleton's judicature act of 1777, and Allsopp took advantage of the opportunity to move, in the very words of the royal instructions, that "in all cases of personal actions grounded upon debts, promises, contracts or agreements whether of a mercantile or other nature; and, also, of wrongs proper to be compensated in damages the laws of England shall be the rule for the trial and decision thereof". But he added a proviso, to save the rights of the Canadians, that "in any such cases wherein both plaintiff and defendant are His Majesty's Canadian subjects, they may have their cases decided by His Majesty's judges, without the intervention of a jury if both parties are so inclined".1

It is difficult to imagine a motion more calculated to gain the support of disinterested men, desirous of satisfying the wishes of all parties, but it was rejected by a vote of nineteen to one.

Haldimand, though equally disobedient to the instructions from home, shows in one respect to great advantage as compared with Carleton. If he withheld from Council the instructions he was ordered to communicate to that body, he made no effort, as Carleton did, to conceal the fact from his superiors. He informed the colonial secretary that, owing to his suspicions of the loyalty of some of the members of the Council, he did not deem it consistent with his duty to lay his instructions before them.2

To describe with appropriate vividness the reply of the Board of Trade3 to Haldimand's communication, one would have to borrow the language of the street. It was very pointed. "The not paying obedience to express instructions the compliance with which rested with yourself only is a matter of too serious importance for us not to give our unreserved opinion upon it." The instructions, they proceeded to say, were founded upon the most convincing necessity, and His Majesty's pleasure was conveyed in terms so peremptory and express that they were at a loss to conceive, how it was possible for him to hesitate upon an instant obedience to them. They were prepared to believe that, as Haldimand asseverated, his views had no end but His Majesty's service. They conceived, however, that in this instance he was mistaken, and were persuaded that he would on receipt of this letter comply with those instructions. They forbore, they added, by way of conclusion, to say what they must, upon a contrary conduct, of necessity do.

1 Journals of Legislative Council, D., p. 104.
Haldimand had now no alternative, and he yielded, though with an ill grace. At a meeting of Council held in August, 1781, he laid before Council all the general instructions which had been withheld by Carleton and himself. Six years had elapsed between the issue of these instructions, and their submission to the Council.

But, though compelled to give up this point, Haldimand was by no means at the end of his resources. His faithful Council could be depended upon to see that no legislation was enacted which was not to his liking. In the session of the Council for 1782, Allsopp renewed his activities. On the consideration of the renewal of an ordinance about to expire to prohibit the exportation of wheat, he moved that prosecutions for infractions be tried by jury. This was voted down, he himself being the only member to vote for it.

Next day, greatly daring, he asked for leave to bring in three bills in conformity with the king’s instructions. The first was that, in all the courts, all cases of personal actions grounded upon debts, promises, contracts and agreements, whether of a mercantile or other nature, and also of wrongs proper to be compensated in damages, the laws of England shall be the rule for the trial and decision thereof, with a saving clause, providing that where the case lies between two Canadians, they may if they choose, have it decided by the judges alone.

The second of the bills he sought leave to introduce provided that all judges in His Majesty’s court should be authorized to grant and issue writs of Habeas Corpus in all cases where such writs are directed to be granted by the laws and statutes of England and under the penalties established by such statutes.

The third bill suspended the operation of the Habeas Corpus Act for one year.

His purpose, as he explained when he entered upon the course he was pursuing, was no more than to permit the British-born portion of the population to become aware as to what had been His Majesty’s intentions towards them when the Quebec Act was enacted. He had no desire, however, to embarrass the local government by a premature putting into force of the Habeas Corpus Act. He was convinced that all that was necessary to restore the British-born to their loyalty was the knowledge that

1 Journals of Legislative Council, D., p. 112.
2 Journals of Legislative Council, D., p. 120.
3 Journals of Legislative Council, D., p. 123.
the government had not, in the Quebec Act, abandoned them, in violation of the king's pledge.

But he had gone too far. Haldimand's patience was exhausted and, going back over the files of the Council, he remembered a protest, which Allsopp had made three years before, and linking it up with the proceedings which have just been narrated, he directed Allsopp's suspension from the Legislative Council.

This is the end of a painful story—a story of unfaithful service to the Crown, and of tyranny to the subject, for which it is difficult to find a parallel in a British community. Both Carleton and Haldimand had every reason for knowing that by the course they elected to pursue they were thwarting the government in its desire to keep faith with those who had settled in the country on the strength of the royal pledge that they would have the protection of the laws of England for their lives and property; and yet they persevered in their disobedience.

Of their tyranny there is no need to speak. The bare recital of the facts as given must carry conviction. In disregard of the instructions to permit liberty of speech and of voting to members of the Council, they held the Council in a state of fear by the dismissal of members who ventured to suggest courses of action distasteful to the governor.

When Carleton returned to Quebec with the Quebec Act in his hands, he met the discontent of his countrymen, not by a disclosure of facts, which should have allayed that feeling, but by treating as rebels and disloyal those who justifiably entertained a sense of wrong, and he bemoaned the weakness which had allowed him to recommend the English criminal laws with the writ of Habeas Corpus. His remedy for the situation was the re-introduction of the French criminal law, with its lettres de cachet, which would give him an uncontrolled hand in suppressing the disaffection his arrogant silence had done most to foment.

It has been customary to excuse or even justify Carleton's course by pointing out that he was on the spot, and therefore better able to judge as to the line of action proper to pursue than the government in England. Well, Carleton had three years and more of absolute power, and, with the record of his actions before us, during the period beginning with his return in September, 1774, there are few people, we imagine, who would be of opinion that he had made a conspicuously wise use of his power.

But a fallacy lurks in the assumption that the man on the spot
is best qualified to determine how to deal with a difficult situation. He has his advantages, but he also has his drawbacks. He is in a position to gain first-hand knowledge of the facts of the situation, but he has acquired his knowledge under circumstances that are apt to hamper him in coming to a conclusion as to the best means of dealing with them. In the process of obtaining the information, he himself becomes involved. He loses detachment. His passions and prejudices are aroused, particularly if he be a governor who has definite plans, which are in danger of being frustrated by opposition. All this is true of a civilian governor, who has some knowledge or instinct for the government of a community, accustomed to the freedom assured by a constitution like that of Great Britain. Much more is it true of a governor whose training has been essentially military, and who has been accustomed to govern by the word of command, instead of by the arts of management and conviction. Opposition arouses in him an impatience which passes into resentment, and which darkens good counsel.

The government was well aware of these defects in a military man, but it had no option under the circumstances. In the position of affairs, the administration of the province required to be in the hands of a man who was capable of providing for its defence, whatever his shortcomings might be as a civil governor. The only thing the government could do to counteract any ill results of these shortcomings, was to provide him with a body of instructions for his guidance. These instructions were prepared by men of much experience and political insight. If the governor found himself confronted by a situation in which it seemed to him inexpedient to follow his instructions, his duty was to report the facts to the Home government, providing, if necessary, for any emergency that required to be dealt with at once. If Carleton had pursued this course, leaving the responsibility where the greater political wisdom was to be found, he would not have left a stain on a record in many respects highly distinguished.

A question that inevitably crops up is as to the reasons that led Carleton to adopt the course he pursued so perseveringly. The reason usually suggested is his unwillingness to offend the Canadians, by the adoption of any part of the English law, beyond the English criminal law. But we must distinguish. It was not from any good will he bore to the habitant that he was tempted to deviate from the line prescribed by his instructions. Before the year 1775 was many months old, he had as ill an opinion of the habitant as he had of the British merchant. After an expres-
sion of satisfaction at their appreciation of the favours bestowed upon them by the Quebec Act, he turned on them for their hesitation to rise to the height of his expectation that they would hasten to the defence of the country. They had become, he declared, undisciplined and disobedient, and he makes the contemptuous observation that "there is nothing to fear from them while we are in a state of prosperity, and nothing to hope from them when in distress."

When Finlay pleaded in Council for measures that would relieve the habitant from the oppressions of the captains of militia, by giving them the opportunity of becoming acquainted with the ordinances by which they were governed, and by regulating the corvée work demanded of them by the captains of militia, Carleton looked at him so blackly that Finlay had to beg that he might not suffer from the governor's disfavour.

There was but one class in the community which was allowed to bask unremittingly in Carleton's good graces. The gloom which overspread his letters as he described the disloyalty of the British-born, and the indiscipline and ingratitude of the habitant, was always relieved when he wrote of the good disposition, and zeal for the service of the Crown, which characterized the seigniors. On them he depended for the restoration of stability in the country. The habitants, in the ten years in which British liberty prevailed, had in a manner emancipated themselves, and time would be required to bring them to their ancient habits of obedience and discipline. With the assistance of a military force supporting the civil authority, they might again be reduced to that state of deference and obedience, which they had formerly paid their ancient government. With the power and influence of the seigniors re-established, all would be well, though it were to be wished that the French system could be restored in its completeness, for there were, he said, great merits in the French criminal law, with the power it placed in the hands of the governor.

As the pivot of the social system which Carleton aimed at restoring, the seigniors must not be alienated, whatever else might be involved. The seigniors would not have trial by jury, which was the essential feature in the English commercial laws; and this is the true explanation of Carleton's course.

William Smith

1 Carleton to Gage, Can. Arch., Q. 11, p. 290; Carleton to Dartmouth, Q. 11, p. 184; Carleton to Germain, Q. 13, p. 96.
THE FIRST CANADIAN WAR-TIME PROHIBITION MEASURE

WHEN the United States declared war on Great Britain in 1812, many of the farming class in Canada were called to the colours in the militia to defend their country—with the result that the production of grain in the colony was diminished in 1813 and 1814. The scarcity was to a certain extent counterbalanced by the flight to the United States of traitors, a large proportion of whom had come from that place, and also of some American citizens. When in 1813 a portion of the Niagara frontier was taken possession of by the enemy, many of the inhabitants of that district, disaffected to the Crown, joined the American forces, and some of these left crops of grain almost ready for harvesting. John Beverley Robinson,¹ the acting attorney-

¹ Although but just of age, still under articles, and not yet called to the Bar by the Law Society of Upper Canada, John Beverley Robinson was appointed acting Attorney-General of Upper Canada on the death of John Macdonell from wounds received at the Battle of Queenston Heights, October, 1812. He owed this extraordinary promotion to his friend, Mr. Justice Powell, who had been from boyhood a close and intimate friend of the new Administrator, Sir Roger Sheaffe. D'Arcy Boulton, the Solicitor-General, who was entitled to the promotion, was then a prisoner in France. On his return from captivity he became Attorney-General, and Robinson succeeded him as Solicitor-General; when Boulton was elevated to the Bench, Robinson became Attorney-General, and this office he filled until he, too, received promotion and became Chief Justice of Upper Canada. It has not, I think, been noticed that Robinson practised at the Bar for more than two years before he was called to the Bar by the Law Society of Upper Canada. The Law Society Act of 1797 allowed the judges to admit to practice members of the Bar of other British possessions; but prohibited from practice all persons except those so called and those called by the Law Society. In 1812 it had been found impracticable to get together a quorum of the Benchers of the Law Society to call to the Bar those who were entitled. The Court of King's Bench, November 11, 1812, notwithstanding the statute, called upon Dr. William Warren Baldwin, the Treasurer of the Law Society, “being a resident practitioner... to produce the Books of the Society and report to the court the names of the students entitled by the time of their admission to be called if there was present a quorum of Benchers and to show cause why they should not respectively be called to the Bar without such presentation.” The Books were produced in court, November 14, 1812, and the “following gentlemen were admitted Barristers of this Honourable Court:
general, was directed by the Administrator and Commander of the Forces, General de Rottenburg, to report the facts to Chief Justice Thomas Scott, Chairman of the Committee of the Executive Council; and he did so. The Committee took speedy action. Naturally the General thought the military should take charge, but the Council advised against committing to any military authority the measures proposed, and advised the issue of special commissions to selected Justices of the Peace in the Districts in which the lands were situated, "to report cases, make necessary arrangements for the preservation of the grain, to appreciate its value and receive and answer any claims that may arise by reason of the execution of their powers." ¹

While the Committee were all agreed on the steps to be taken, it was recognized that there was no common or statute law which could be applied to effect the desired result; and consequently the Administrator of the Government was recommended to act in his capacity of Commander of the Forces in Upper Canada.² He did so; and the several commissioners were instructed that when proof was laid before them of treasonable adhesion to the enemy, the evidence should be preserved and the informants bound over to give testimony to support indictments which it was intended should be laid at the next Court of Oyer and Terminer in the District. These proceedings caused the flight of more traitors, open or veiled, and had some effect in reducing the scarcity of grain. But, of course, the effect was not very marked; another plan much more successful—and to us more interesting—is now to be noted.

Upper Canada until about the middle of the nineteenth century was perhaps the most drunken country in the world; and whiskey made from wheat was the universal beverage. This liquor was much like the whiskey blanc of the province of Quebec; it was

Jonas Jones, Esquire, George Ridout, John B. Robinson, Christopher Alexander Hagar-man." ² Of these the first and fourth became justices of the Court of King's Bench, the second Judge of a District Court, and the third Chief Justice of the Province. This proceeding was wholly ultra vires and irregular: those thus called afterwards regularized their standing by being called to the Bar by the Law Society in Hilary Term, 1815, when a quorum of Benchers was obtained.

¹ This and other quotations are from the original papers in the Canadian Archives at Ottawa (Sundries, Upper Canada). The quotation is from a letter from Chief Justice Scott to de Rottenburg, from York, July 18, 1813.

² See letter from Chief Justice Scott to Edward McMahon, Secretary to the Administrator, July 22, 1813. Sir Roger Hale Sheaffe had been Administrator from October, 1812, until June 18, 1813, when de Rottenburg succeeded him.
raw, fiery, and potent, and had the great recommendation of being very cheap. Distilleries were planted broadcast over the land, and drove a roaring trade; distillers must needs have grain and they offered high prices for it, thereby increasing the price while they reduced the supply for purposes of food. There was also a little exportation of grain from the Eastern District to Lower Canada—not enough, however, to be a real peril.

In the second session of the sixth provincial parliament, called by Sir Roger Hale Sheaffe and sitting from February 25 to March 13, 1813, the matter of saving grain was earnestly discussed; and at length an Act was passed authorizing the person administering the government of the province to prohibit the exportation of grain (and other provisions) and to restrain the distillation of spirituous liquors from grain. The legislation was drastic and, if acted upon, was likely to have an effect which had not been borne in mind by the Administrator and Legislators—it was likely to put an end to distilling altogether, and would thus deprive the troops of their accustomed liquor. No person had yet advanced the proposition that fighting men could get along without alcoholic stimulants, even if some weaklings might be forced, and some hypocrites might pretend to do so. De Rottenburg consulted Robinson, telling him of the absolute necessity of distilling whiskey for the soldiers; but Robinson was obliged to advise that "unfortunately the Legislature have put it out of his power, so that he cannot license any particular person to distil for the Government, neither can he do it indirectly in any particular case by remitting the penalty because half of it belongs to the informer."

On July 24, 1813, Robinson wrote to the General's secretary

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1 My father, the late Walter Riddell, told me that at the first election after his arrival in Upper Canada, the General Election of 1834, at the polling booth at Gore's Landing, Rice Lake, there stood at the door a barrel of whiskey with the head staved in and a tin dipper for all to help themselves. In the late 50's and the early 60's I myself carried a whiskey bottle round to the men in the harvest field, accompanied by a brother with a pail of water in which oatmeal was mixed. It was in the 50's that the part of the province immediately north of Lake Ontario began to feel the effects of the temperance movement, and Lodges of Sons of Temperance and of Good Templars became numerous, with most beneficial effects upon drinking habits.

2 The Act is (1813) 53 Geo. III, C. 3 (U.C.). It was temporary, but was renewed for a year by (1814) Geo. III, C. 8 (U.C.), and finally expired March 15, 1815. Another temporary Act prohibiting the sale of spirituous liquor to Indians was passed in 1813, 53 Geo. III, C. 5 (U.C.).

3 John Beverley Robinson to McMahon, York, July 24, 1813.
that, while he had put up proclamations in all the Districts of the province, it was for the General to consider whether it was advisable to continue the prohibition "or whether the quantity of grain in the country will render it prudent to recall it by a subsequent Proclamation which he has it in his power to issue whenever he pleases. . . . Now not a gallon of whiskey or other spirits can be distilled and it becomes important to consider whether the army have other means of supply."

The suggestion contained in this letter was promptly acted upon; a fresh proclamation was issued withdrawing the prohibition—and the former trouble revived at once. On November 1, 1813, Robinson wrote to General de Rottenburg submitting "the expediency whether the state of the army will now allow a general prohibition of the distillation of grain. The demand for whiskey enables distillers in this part of the country [Robinson wrote from Toronto, then called York] to offer from 12 to 15 shillings, New York currency\(^1\) [[$1.50 to $1.87\frac{1}{2}$] per bushel for wheat, the natural effect of which will be to raise very considerably the price of flour, an indispensable article and of greater consumption. I suppose the same evil exists in other parts of the Province and it would be well if, consistently with the supply of the troops, a remedy could be provided by a total prohibition."

A full supply having been laid in for the troops, the General issued a proclamation forbidding until March 1, 1814, the distillation of any grain.

On March 5, 1814, Robinson wrote to Captain Loring, secretary to the new Administrator, Sir Gordon Drummond, calling his attention to the fact that the prohibitory proclamation had expired, March 1, and added that if it were intended to continue the prohibition he should be informed of the time to be limited in the new proclamation. But the prohibition was permitted to lapse, and we hear no more of it: there was no government to be assailed or voted against, and the first Canadian war-time prohibition measure passed into the limbo of oblivion.

William Renwick Riddell

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\(^1\) The New York shilling. "York shilling" or "Yorker" was 12½ cents, the York pound, $2.50. In my boyhood near Cobourg the ordinary method of estimating prices was by York shillings: there was no coin for the York shilling, but the English sixpence passed as such. The use of this method of counting began to wane about sixty years ago and has now almost completely disappeared.
A PLEA FOR A CANADIAN NATIONAL LIBRARY

EARLY ten years ago the writer made a plea, through the University Magazine, for the establishment of a National Library in Canada. He pointed out that this country, with all its boasted educational facilities, lacks the keystone of a broad and efficient system of education. Under our constitution education is left to the Provinces, but nothing in the constitution prevents the creation of a National Library;—not a mere collection of books gathering dust upon the shelves, but a living force, functioning for the good of all the people. We are proud of our intellectual heritage from Great Britain and France, but we forget that our mother countries possess the greatest national libraries the world has ever seen. Every country in Europe, not merely the great nations, but the smaller ones as well, Switzerland, Holland, Belgium, Denmark, Greece, Norway, Sweden, Portugal and Finland, have built up national collections of books, administered in such a way that they have become real factors in the education of the people. Each of the South American republics possesses its Biblioteca Nacional. So does Mexico, and Cuba, and even the despised little Central American republics of Costa Rica and Honduras. Every other part of our own Empire has its national library, India, Australia, New Zealand, South Africa. Japan has a splendid collection, admirably organized and freely accessible to all the people. Canada stands alone among the nations—well, not quite alone, she ranks with Siam and Abyssinia. None of the three has a National Library.

The plea for a Canadian National Library aroused at the time a great deal of interest throughout the Dominion. It was taken up and supported editorially by practically every important newspaper in the country from Halifax to Victoria. Canadian writers and educationalists urged the immediate establishment of such an institution. The Royal Society of Canada adopted unanimously a resolution requesting the Dominion government to take action. So did the various Library Associations in Canada, and a number
of historical, literary, and scientific societies. But, although the Prime Minister and several of his colleagues expressed their interest in the project, nothing was done. Other matters, more pressing from the point of view of a practical politician, constantly intervened. Perhaps antagonistic influences were quietly at work. In any event, the movement for a National Library, after gaining a good deal of momentum throughout the country, broke harmlessly at the capital. It has never been abandoned by those who had it at heart. At times, before the war, the prospects looked more or less favourable; but after 1914 it was definitely put aside, like a great many other important matters, until the world should emerge from its period of madness. To-day the people of Canada are grappling with the vital problem of reconstruction. And to-day one may very well ask them to consider if they can afford any longer to do without a national institution which, properly administered, might contribute in innumerable ways to the building up of the nation.

It may help to clarify the situation to describe very briefly what the smaller nations of Europe—those that compare roughly with Canada in population and wealth—have done in this direction. The National Library of Holland, the Koninklijke Bibliotheek at The Hague, contains considerably over half a million volumes, housed in a building admirably combining architectural dignity with the practical needs of such an institution. The library is open the year round to all students who may wish to take advantage of its facilities; and books may not only be used in the building, but may be borrowed for use anywhere in the country. Residents of The Hague may keep books for a period of two weeks; students elsewhere in Holland are allowed a month.

The people of Switzerland, in their Stadt Bibliothek at Berne, possess an equally well-organized and accessible National Library of a quarter of a million books. A resident in the most remote hamlet may send a request to the capital for any work he needs, and if it is available, he gets it by mail, without any troublesome formalities, or any expense other than the actual postage. He may borrow as many as six volumes at a time.

What is said of the National Libraries of Holland and Switzerland applies pretty generally to those of the three Scandinavian countries, and to the National Libraries at Athens, Lisbon and Brussels. The splendid Bibliothèque Royale at Brussels contained over six hundred thousand volumes before the war. It is not known just what the situation is to-day.
The Library of Congress at Washington furnishes, however, the most helpful illustration of what may be accomplished by a National Library. At first sight it may appear to correspond to our own Library of Parliament, but in fact it is a radically different institution. The Library of Congress embraces three organizations in one: a Legislative Library, a National Library and a National Archives. It is a rare combination, one that only the genius of the present Librarian of Congress has made practicable, and one the ultimate wisdom of which he himself has questioned. In most countries these three institutions are quite distinct. We in Canada already have two of them, the Library of Parliament and the Dominion Archives. We still lack the third.

It has sometimes been suggested that the Library of Parliament is in effect a National Library. It is not, in any sense of the word. It is a Legislative Library, pure and simple. It was created to serve the needs of Parliament, not those of the public. None but Members of Parliament and Senators have any rights whatever within its walls. Its functions could unquestionably be enlarged, as have those of the Library of Congress, so as to make it in some sense at least a National Library; but not in the present building with its very limited space and with the present very inadequate staff. The advice of the Librarian of Congress, as the result of his own experience, is to keep the National and Legislative Libraries apart; and everyone who has really studied the question will agree that he is right. Let the Library of Parliament continue to fulfil the functions for which it was created; let the Dominion Archives continue its invaluable work in the collection and preservation of historical material; and let us have in addition to these a National Library.

To return to our illustration of the Library of Congress. What has been accomplished by and through this most efficient institution for the people of the United States can—and allowing of course for differences of degree—be done by a Canadian National Library for the people of Canada. The Librarian of Congress recognizes that in any one country there should be a variety of libraries to meet the needs of different sections of the people. There are, to start with, the public libraries, themselves varying enormously in size and complexity according to the nature of the community they serve. Then there are university and school libraries, equally diverse in size, but not so much so in character. There are also kinds of special libraries, legal, medical, commercial, historical, scientific, municipal, legislative, etc. Beyond these
again are what one may call the regional libraries—state libraries in the United States, and provincial libraries in Canada. And, finally, the National Library. Each of these attempts to meet the book needs of its own particular constituency, be it large or small, simple or complex. But all, except the last, are more or less limited in scope. Each excludes certain books, or certain classes of books, as unnecessary. Only one library may properly aim to be universal in scope, and that is the National Library. No National Library has ever contained, or ever will contain, all the books that have been published, but each may at least hope to bring together all the books that have been published in or about its own country and as much as possible of the literatures of other countries. Here, then, is one of the objects of a National Library—a last court of appeal for the man who needs a very rare, or very costly, or out-of-the-way book. There are more of these than most people imagine, and only the National Library can afford to collect them.

It is not enough that a National Library should contain the largest and most comprehensive collection of books in the country. It must also classify and catalogue them, provide bibliographies and other keys to its treasures. It must have upon its staff, or within reach, specialists capable of answering inquiries from all parts of the country as to what material exists on any particular subject, where it is, how it may be had, how most effectively it may be used. It must also, as far as practicable, carry its books to the people rather than force them to come to it. And in the broadest sense it must make itself a national centre of helpfulness to institutions and individuals from one end of the country to the other.

This is the sort of thing the Library of Congress has achieved across the line, and this is the sort of thing we can accomplish in Canada, if a sufficient number of Canadians will take the matter up and convince the government that they are in earnest.

Lawrence J. Burpee
NOTES AND DOCUMENTS

THE DEATH OF POUTRICOURT

The Baron de Poutrincourt, according to Marc Lescarbot, the faithful chronicler of his hauts faits et gestes in the new world, met his death on his return to France in 1615 at the retaking of Méry-sur-Seine, and "in a manner which everyone knows."¹ In an epitaph drawn up by Lescarbot, this is explained to mean that "having been specially summoned at the moment of the fresh troubles in France and ordered by his Prince to take Méry in Champagne, he fulfilled his task, but in the struggle for military fame, pierced by many wounds, he fell in the month of December, 1615, in his fifty-eighth year, slain by a blow in the breast dealt by an impious Pisander."¹ Relying upon this epitaph, the late Abbé Ferland stated that Poutrincourt "died gloriously in the breach,"² while Parkman merely asserted that "happier in his death than in his life, he fell, sword in hand."³ Parkman was of opinion, however, that Poutrincourt "was killed immediately after taking the town by a treacherous shot."⁴ Nothing further

² Ibid., p. 694. Pisander was one of the principal chiefs of the aristocratic government at Athens who abolished the popular government in 411 B.C., and established the oligarchy of the Four Hundred. Cf. the Champlain Society's edition of Lescarbot, Vol. III, Toronto, 1914, p. 74.
³ Abbé J. B. A. Ferland, Cours d'histoire du Canada, 1ère partie, 2ème édit., Québec, 1882, p. 87: "Il reçut ordre du roi de prendre Méry: mais, frappé mortellement au moment où il s'en rendait maître, il mourut glorieusement sur la brèche." Cf. also Nobiliaire universel de France ou recueil général des généalogies historiques des maisons nobles, tome XIV, Paris, 1818, p. 27: "A son retour en France, le Roi le nomma gouverneur de Méry-sur-Seine, et ce fut en défendant cette place, qu'il périt glorieusement le 5 décembre 1615."
⁵ Ibid., loc. cit., note 2. Cf. De la Chenaye-Desbois et Badier, Dictionnaire de la noblesse, III, Paris, 1864, p. 204: "Enfin il termina glorieusement une vie... ayant été tué le 5 décembre 1615, en défendant pour le Roi, Méry-sur-Seine, dont il était Gouverneur."
has hitherto been known of the manner in which Poutrincourt met his death.

Three pamphlets of the time in the National Library at Paris give a more detailed account of Poutrincourt's death, and from a study of these it seems clear that instead of meeting his death in defending the town, Poutrincourt was killed in an endeavour to forestall his own commander-in-chief in receiving the surrender of the place. Poutrincourt met his death in fact in a mêlée with his own party.

The ink of the treaty of Ste. Menehould of May 14, 1614, was scarcely dry when the departure of the court from Paris in the middle of August, 1615, to meet Anne of Austria at the Spanish frontier and to hand over the Princess Elizabeth as the future wife of Philip IV, offered the Prince of Condé too good an opportunity to resist. He at once moved out of Picardy, took Château-Thierry, and surprised Epernay and Vitry-le-François. The Seine, however, still barred his passage towards Paris and the south. After unsuccessful attempts at Bray and Pont-sur-Seine, two small places near Nogent-sur-Seine, he moved up towards Troyes. Hearing that Méry-sur-Seine, some twenty miles west of Troyes, had only a small garrison, Condé resolved to take it. The place fell after a short investment; and Condé then brought his army across the Seine, and leaving in Méry only a small garrison of two hundred men under the Sieur de Lameth, set out for Paris and the Loire. This was in the middle of October, 1615.


2 La reprise de la ville de Méry sur Seine, sur Mr le Prince, par les sieurs Marquis de la Vieuville, d'Andelot & Poutrincour, Paris, MDCXV, pp. 3-5: "Au mois d'Octobre dernier passé, Monsieur le Prince de Condé ... après avoir surpris les villes d'Epernay & de Vitry ... & ayant espié de toutes parts les occasions de passer la Seine, tantost à Bray, une autre fois à Pont sur Seine ... remonte pour ce suiet jusques à quatre lieues pres de Troyes ... & ayant eu avis qu'en la ville de Méry sur Seine, il y auroit fort peu de resistance, se resout de l'assieger, & de faict l'ayant faict investir de toutes parts ... elle se rendit finalement à luy ... Luy passe & son armee estant au delà de Seine, delaisie en ladite ville de Méry deux cens hommes de guerre sous la conduite d'un chef pour garder ladicte place & passage de Seine fort important & commode pour repasser audit pays de Champaigne si la necessité de ses affaires le requeroit."

3 Henri Martin, Histoire de France, tome XI, Paris, 1858, p. 94.
No sooner had Condé departed, however, than the Marquis de La Vieuville, the King’s Lieutenant at Rheims, set about re-taking the places in which Condé had left garrisons. Neuchâtel having easily fallen, La Vieuville treated with the inhabitants of Troyes for the recapture of Méry, the garrison of which place was causing them considerable inconvenience. It was agreed that they should supply him with four pieces of cannon, as well as with ammunition and other things necessary.¹ The garrisons of Provins, Bray, and Nogent were also ordered to send help,² and several gentlemen of the neighbourhood offered their services. Among these was Poutrincourt, whose barony of St. Just lay only about eight miles north-west of Méry. On Thursday, December 3, Poutrincourt set out with some three hundred followers to join the troops from Provins and Nogent at Mesgrigny, which lies on the south side of the Seine opposite Méry.³ On this side the town is lower than on the north bank, and is approached by a wide causeway with a bridge over the Seine. It was over this causeway indeed that Condé had brought his own army, and the garrison of Méry was intended to keep open this line of retreat should necessity demand a return to Picardy. M. de St. Sepul-

¹ Description de tout ce qui s’est passé en Champagne depuis le partement du Roy, etc., Paris, MDCXV, pp. 6-8: “Monsieur le marquis de la Vieuville . . . s’achemine à Neuf-Chastel, où la garnison se rend à sa discretion. . . . Puis s’achemina vers Troyes, d’où ayant fait reconnoitre la garnison de Mery sur Seine, qui incommode grandement la liberté des Troyens, il se porte à Troye, & traite avec les habitans pour reprendre Mery. Auquel effet ils lui fournissent quatre pièces de Canon, attirail & munitions.” Cf. the Champlain Society’s edition of Lescarbot, vol. III, pp. 536-538, where this portion of the pamphlet has been reprinted with a translation.

² La prise et capitulation de la ville de Mery sue Seine, Paris, MDCXV, p. 3: “& ont parlé aux Capitaines des garnisons de Provins & Nogent, pour avoir de leurs soldats ce qu’ils pourroient pour le service du Roy à ladite prise de Mery, à quoy les Capitaines se sont accordé, & ont donné la moitié & plus de leurs soldats soubs la Conduite d’un Lieutenant de la garnison de Nogent, avec plusieurs volontaires des habitans de Nogent.” Cf. vol. III of the Champlain Society’s edition of Lescarbot, pp. 532-535, where this pamphlet has been reprinted with a translation.

³ Description, etc., p. 8: “Plusieurs Gentils-hommes & autres personnes de bonne volonté s’offrirent à l’assister & l’accompagner en son desserage, & entre autres les sieurs de Saint Sepulchre & de Poutrincourt, lequel Poutrincourt lui amena environ trois cens soldats & Paysans, auxquels l’dit sieur Marquis ordonna d’aller avec les Garnisons de Bray & Nogent attaquer la basse ville ou faux-bourg qui est de l’un des costez de la riviere, consignant à ceste fin deux pieces de Canon audit sieur de saint Sepulchre.” La prise et capitulation, etc., pp. 3-4: “& partirent tous leudy dernier bien-deliberez pour aller à Rouvilly . . . & ce trouver au rendez-vous avec les gents desdits sieurs de Poutrincourt & Saint Sepulchre au village de Maigrigny, qui est au bout de la chaussee de Mery.”
chre, another volunteer, with men from Provins and Nogent, took possession of this part of the town without difficulty, as the garrison made no attempt to defend it. They then brought two of the cannon furnished by La Vieuville to play against the higher part of the town. It was their design apparently to try and get possession of the place, of which Poutrincourt had once been governor, before the troops from Troyes had arrived. In this, however, they were unsuccessful.

La Vieuville with the other two cannon and seven or eight hundred men marched out from Troyes on Thursday, December 3, and following the north bank of the Seine took up his position on the opposite side of the town to Poutrincourt and the men from Provins, Bray, and Nogent. On this side Méry was defended by a rampart and a moat, but the latter was dry and the walls were in reality not particularly strong. After a few shots had been fired at one of the towers, therefore, the garrison agreed to an armistice to treat of the conditions for surrender.

1 La prise et capitulation, etc., pp. 5-6: “la basse-Ville est du costé de nostre chemin... en laquelle ledit sieur de Poitrincourt ce logea sans resistance avec lesdits sieurs de Rouvilly, S. Sepulchrche, & les Garnisons de Nogent & Provins, Car Monsieur de Lamet ne faisait garder ladite basse-Ville.”

2 La prise et capitulation, etc., p. 4: “Mais ceux-cy desdits sieurs de Poitrincourt, Sainct Sepulchrche, & Rouvilly, On tient qu’ils avoient envie de surprendre la ville aupar-avant que les troupes de Troyes fussent venus avec leur Canon, c’estoit le dessein dudit Poitrincourt, afin de s’en rendre Gouverneur, comme il a esté autrefois”; and also p. 6: “Ledit de Poitrincourt se defflant des grandes trouppes qui estoyent de l’autre costé, avoit envie d’y entrer, & se rendre le Maistre.” Cf. also Quatriesme tome du Mercure francois, Paris, 1617, p. 381: “On a escrit que Poitrincourt ayant dessein se faire Gouverneur de Mery, comme il l’avoyt esté autrefois durant la Ligue,” etc.

3 Description, etc., p. 8: “Puis luy [La Vieuville] conduisant les autres deux pieces restantes dedsites quatre, sortit de la ville [de Troyes] accompagné de sept ou huict cens bons compagnons Troyens, & avec ses troupes prenant l’autre costé de l’eau, se rend devant Mery.” Cf. also La Prise, etc., pp. 4-5: “Mon frere qui est demeurant a Troyes m’escrivit au vray de Ieudy dernier, ce qu’on faisoit audit Troyes pour ledit siège de Mery, disant que ledit iour de Ieudy il estoit sorty dudit Troyes quatre pieces de Canon avec des munitions pour tirer cinq cens coups, soubs la conduite des Es-chevins & plus de mil cinq cents hommes de ladite Ville aussi... avec Monsieur le Marquis de la Vieuville avec ses troupes, qui est Lieutenant de Roy du costé de Rheims... & tous ce trouverent Vendredy dernier audit Mery.”

4 La Prise, etc., p. 5: “La Ville qu’on appelle la haute-Ville est du costé de Saint Just close de murailles & fossez ou il n’y a point d’eau, murailles qui ne vallent guieres. C’est le costé ou estoient les trouppes de Troyes avec le Canon.” All that remains to-day is a rue des Remparts.

5 Description, etc., p. 8: “Mery, qu’ill fait sommer & saluer par le Canon qu’il fit iouer contre une tour, ce que voyans les assieges, commandez par le sieur de Lameszt demandant à parlemerent.”
A short parley took place at which it was agreed that the garrison should march out the next morning with arms and baggage.¹ Notice of this was at once sent to Poutrincourt and the men from Provins and Nogent who were attacking the south side of the town.² Poutrincourt, however, in pursuance of his plan to be first into Méry continued his bombardment; but when two of the garrison had been killed by this fire, La Vieuville had himself conveyed across the river and gave formal orders for the firing in that quarter to cease.³ Though Poutrincourt and his people obeyed, they that night held a council of war at which Poutrincourt declared it to be his intention to die rather than let another take possession of Méry, of which he was the lawful governor.⁴ It was thereupon agreed among his followers that next morning at the moment of surrender a sudden assault should be made from the lower town.

The next morning, Saturday, December 5, Lameth, Condé’s commander, drew up his troops and at the moment agreed upon threw open the gates to admit La Vieuville and the men from Troyes. While these were entering the town from the north, sounds of fighting were heard on the opposite side of the river, and before long Poutrincourt appeared, a naked sword in one hand

¹ *Ibid.*, pp. 8-9: "& apres plueieurs discours, accordant de rendre la ville au sieur Marquis, & en sortir le lendemain matin cinquiesme de ce mois, sans en emporter autre chose que leurs armes & bagage seulement." Cf. also *La Prise*, etc., p. 6: "La composition dudit sieur de Lamet se faict avec Monsieur de la Vieuville, Lieutenant de Roy, sans le sceu dudit de Poitrincourt & les autres. Assavoir que ledit de Lamet, & ses gens sortiroient avec armes et bagage sauvez tambour battant, & faict la ceremonie gardee en telle affaire."

² *Description*, etc., p. 9: "Le sieur Marquis advertit de la Capitulation desdits sieurs de Saint Sepukhre & Poitrincourt, qui estoient logez en la basse ville que l’ennemy avoit habandone."

³ *Ibid.*, loc. cit.: "Neantmoins au preiudice de ladite capitulation, Poitrincourt estant la le plus fort faict oüer le Canon & tue deux des soldats du sieur de Lamets. Pour remedier a ce desordre, le sieur Marquis passe l’eau & faict cesser de tirer, appaise tout & repasse en son quartier, apres les ostages livrez." Cf. however *La Prise*, etc., pp. 6-7: "Ledit sieur de Lamet demande à parler à Monsieur de Rouvily qui estoit en la basse-ville, il y passe & y estant passe dans un bachot, ledict sieur de Poitrincourt se fascha, son dessein ne reussissant comme il desiroit."

⁴ *Description*, etc., p. 9: "Poitrincourt voyant que les choses prenoient autre train qu’il n’avoit imaginé, tient conseil de nuict, avec ses amis, leur declarant qu’il estoit resolu de mourir ou de se rendre maistre de Méry d’où il se disoit le vray Gouverneur, les priant de le vouloir assister, ce qu’ils luy promirent faire."
and a pistol in the other, crying, "Kill! Kill! Long live Poutrincourt."1

Shortly before the hour fixed for the surrender, Poutrincourt had assembled his followers, and calling out, "He who is my friend will follow me," had set off across the river, which was there low, and had entered the higher part of the town at the cry of "Long Live the King and Poutrincourt."2 His son Jacques de Biencourt and about two hundred men followed him.3 As the higher part of the town had no walls on that side they entered it without difficulty and soon made their way to the point which La Vieuville’s men had reached. Poutrincourt on catching sight of them began to lay about him and soon wounded one of the Marquis’s men and killed the man’s horse.4 The Marquis’s quartermaster at once went up to Poutrincourt and ordered him in the Marquis’s name to retire to his quarters. In a furious rage Poutrincourt replied that he and no one else was the Governor of Méry and again shouted to his men, "Kill them, by heaven, kill them all,"5 at the same time levelling his pistol at the quartermaster’s head. Seeing that Poutrincourt was in earnest the quartermaster in turn called upon his men to shoot; and the fight at once became general. Unfortunately for Poutrincourt,

1 Ibid., pp. 9-10: "Le matin comme le sieur de Lametz & les siens fussent à cheval pour sortir, & que les portes fussent ouvertes, Poitrincourt . . . crians, tue, tue, vive Poitrincourt, luy estant à pied couvert d’un rondache l’espee nué à la main gauche & le pistolet à la droicte."

2 La Prise, etc., p. 7: "Et estant faché de ceste composition sans luy, dit a ses gens qui m’aymera qui me suyve & passe l’eau à pied luy & ses gents, l’eau n’est grande que iusques au genoux, il s’en va à la haulte-ville, qui n’est fermee de murailles du costé de ladite basse-ville, ains seulement de quelques vaisseaux, entre dedans, disant vive le Roy & Poitrincourt & ces mots, tue, tue, sur les gens de Monsieur de la Vieuville, qui entroyent tous à cheval, tant gens d’armes que Carabins."

3 Description, etc., pp. 9-10: "Poitrincourt se iette furieusement à celle [porte] du pont, suivy de son fils et d’environ deux cens hommes. Puis s’estant saisi d’icelle porte, prend la Canon & le faict passer en la ville."

4 Ibid., p. 10: "& avoit donné avis audit sieur Marquis que Poitrincourt avoit quelque mauvais dessuing. Pourquoi le Marquis se trouva à la porte peu après l’ouverture d’icelle, non toutesfois si tost que déjà Poitrincourt & les siens n’en fussent fort proches & tirans plusieurs harquebuzades avoient tué un cheval & blessé un soldat du sieur Marquis."

5 Ibid., loc. cit.: "Vers lequel s’estant advancé le sieur de Halle [sic pro La Salle], le priant & luy commandant de la part dudit sieur Marquis qu’il se retirast à son quartier, il respondit furieusement qu’il estoit Gouverneur de Mery & non autre criant, tire, tue mordieu, tuez tout, & ce disant tire son pistolet sur ledit de la Salle Mareschal des Logis de la Compagnie dudit sieur Marquis, lequel voyant cest orgueil, crie aussi de sa part, tue, tue, & à l’instant y eust rude meslee."
however, the men from Provins and Nogent did not second him, but through fear remained drawn up in their ranks. The most astonished people of all were Lameth and his garrison who stood ready to march out and looked on in utter bewilderment. Poutrincourt's men were easily recognizable by their muddy boots, and though they doubtless fought well had no chance against the superior numbers opposed to them. After a short struggle they broke and fled, leaving Poutrincourt and thirty of their number dead in the streets. Young Biencourt and several others were taken prisoners, while of those who fled many were drowned in the river.

When order had once more been restored, Condé's garrison was able to march out, and La Vieuville finally took possession. The town was strengthened and a garrison left, whereupon the troops were sent back whence they had come. On May 30, 1616, Condé agreed to the Peace of Loudun.

Although according to a contemporary "such an act had never been heard of before," yet a late authority states that Poutrincourt's people set up a cross at the spot where he had fallen, and that this cross continued to exist until the beginning of the nineteenth century under the name of Poutrincourt's Cross.

H. P. BIGGAR

1 La Prise, etc., p. 7: "Les soldats de Nogent & de Provins qui y ont entré tost après par la porte que ledit de Poitrincourt pensoit qu'ils le secondoient & autres aussi, se sont tenus en bataille en vne rué sans bouger, qui ont eu vne peur d'estre taillez en pièces, s'ils se fussent advouez dudit de Poitrincourt, ce qu'ils n'ont pas faict, ains du Regiment de Navarre, c'est ce qui les a sauvées, encore y en a-il qui ont esté devaliez."

2 Ibid., p. 8: "mesme a la veué dudit sieur de Lamet qui estoit encores dans la ville rangé à un coing de rué avec ses gens & son bagage."

3 Ibid., loc. cit.: "mesmes que ils tastoyent à leurs chausses, si elles estoient mouillées, & les tuoyent, c'estoit poir cognoistre les soldats dudit de Poitrincourt."

4 Description, etc., pp. 10-11: "ou fut ledit Poitrincourt tué avec environ trente des siens, plusieurs blessez . . . le ieune Poitrincourt prisonnier & quelques autres." Cf. also La prise, etc., p. 8: "on dict qu'il y en a bien esté tué 100. les autres disoient d'avantage."

5 Description, etc., p. 11: "aucuns s'en fuyans se iettoyent l'un l'autre dans la rivière & se noyoyent."

6 Ibid., loc. cit.: "Le sieur Marquis . . . laisse garnison en la ville & s'en retourne à Troye ramener son Canon."

7 La Prise, etc., p. 8: "on n'a jamais ouy parler d'un tel fait."

8 Nobiliaire universel, tome XIV, p. 27: "Les soldats qui le chérissaient, firent élever à l'endroit où il perdit la vie, une croix de pierre, qui porte encore à présent [1818] le nom de la Croix de Poutrincourt." Cf. La Chenaye-Desbois et Badier, op. cit., III, 204: "au lieu de tombeau, il fut élevé à l'endroit où il avait été tué, une croix qui subsiste ou qui subsistait encore il n'y a pas longtemps, appelée la Croix de Poutrincourt."


The Colonial Tariff Policy of France is a very interesting and valuable contribution, not only to the economic history of France and her colonies, but to the general field of economic history and experience. It affords at once a painstaking and scholarly presentation of the leading historical facts connected with the evolution of French colonial trade policy, and an able critical analysis of the various stages and features of that policy, and its practical consequences. The work is divided into two parts, first, "The Evolution of Colonial Tariff Policy"; and second, "The Results of the Colonial Tariff Policy". The first presents an historical sketch of the colonial trade policy of France, covering the whole field of its colonial empire. The second is devoted to the special study of the trade of the individual colonies, chiefly under modern conditions, and the varying effects of the tariff laws and administration with reference to each.

The general conclusion of the author is that neither France nor her colonies have substantially benefited from the restrictive policy which in various forms has prevailed with reference to the trade of the colonies. The prevailing attempts to bring all the colonies, without distinction, within the same tariff laws and regulations is particularly condemned. Little sympathy is afforded to the attitude of a strong element in France, which, while admitting that a freer and broader policy would be more favourable to the local prosperity and development of the individual colonies, yet holds it to be necessary in the national interest to sacrifice the domestic interests of the colonies, notwithstanding the discontents and difficulties which are thereby created. The vigorous criticism of
this attitude, as based on a careful analysis of facts and statistics, will not, of course, be accepted as conclusive by the imperialistic advocates of a restrictive system in the interests of the mother country, but will require a correspondingly able presentation of the case for restriction, to meet the facts and arguments as here set forth.

There is not much space devoted to the mainland colonies of America, including Canada. As is pointed out, Canadian trade with France was remarkably small in proportion to the size of the colony, and to its importance in the imperial struggle with Great Britain. During the period of the French possession of Canada, its trade with the mother country did not amount to as much as that of several of the West Indian islands. This had much to do with the popular conception of the worthlessness of the colony, and the gibes launched against it by the wits of Paris. The fact is that the natural resources of Canada were such as to provide the greater part of the necessaries of life within its own borders, and as these, apart from furs, paralleled products of France itself, there was little anxiety to import them, and there was a correspondingly small market for French goods in return. The West Indies, however, produced little for their own sustenance, while their chief products, such as sugar, coffee, cocoa, etc., were in urgent demand in France and much prized in foreign trade. Even the smallest of the islands, therefore, had an exceptionally large export and import trade, which the mother country was anxious to monopolize.

In the chapter on the ancien régime, reference is made to the very general and very natural policy of granting monopolies of colonial trade to special associations and companies. While the failure of practically all the earlier ones is recorded, yet the author is inclined to agree with the German economist Roscher that these grants to the companies were justified, on the ground that the danger and risks of colonial trade in the sixteenth and seventeenth centuries were too great to be borne by private individuals. As a matter of fact, however, private traders were, as a rule, the pioneers of nearly all colonial trade, and that, too, not by reason of national encouragement and assistance, but in spite of an entire lack of encouragement and in the face of the very monopolies granted to the favoured companies and the most drastic laws and penalties against the private traders engaging in colonial trade. Cartier found himself in competition with numerous independent traders as far up the St. Lawrence as Montreal; and Champlain, in his attempts to establish a Canadian colony on a really solid and relatively self-supporting basis, found himself equally hampered by the activities of the interlopers or free-traders, and the indifference and want of assistance on the part of those who had been granted a monopoly of the trade of the colony as an
inducement to assist in its establishment. Later on, however, the author recognizes the futility of the company monopolies for the development of trade, or the promotion of real colonial enterprise.

The basis of Miss Lonn's article on the French Council of Commerce is, of course, closely related to the substance of the volume on the Colonial Tariff Policy. It is, however, one of those highly specialized, and in itself highly isolated, studies which prevents one from drawing any general conclusions without extensive reference to masses of collateral material, affecting both France and her colonies, of which almost no hint is given in the article itself. The study is simply a detailed compilation, very carefully and conscientiously executed, of the records of the Council in dealing with trade matters brought to its attention. Naturally there is little indication in the records themselves as to whether the conclusions and decisions arrived at, or the advice offered, was or was not accepted. It would be quite as profitable to draw conclusions relative to the actual development of British trade and shipping from a perusal of the British Navigation Acts, as it would be to draw from the records of the Council of Commerce any reliable conclusions as to the actual course of French colonial trade. Taken, however, in connection with documents presenting the actual course of colonial trade in the individual colonies, these isolated statements begin to have an interest and a meaning otherwise indeterminate. When thus compared, we learn how utterly futile many of the decisions and recommendations made remained—some by reason of being overridden by superior authority, others from being practically ignored by the local authorities required to carry them out, and some through being set at defiance by traders and officials who found it to their immediate interest to evade their requirements, especially as the Council had no direct authority to intervene in the affairs of the distant colonies. Other requirements, again, were duly executed, either because they happened to coincide with the immediate interest of those in authority, or because the opportunities for evasion and the benefits to be secured by it were equally inadequate.

The period covered by the records of the Council, so far as presented by the author, extend from 1700 to 1734. In this period there is very little that materially affects Canada, and the regulations and decisions of the Council were but slightly regarded in the trade of New France. Most of the really important matters dealt with had reference to the West Indies and the rivalries of the ports and traders of France itself, in connection with the foreign and colonial trade.

As already indicated, the article will be found useful by those who have at hand the collateral material to which it may be applied.
REVIEWS OF BOOKS 205


M. SUlTE's fifth volume contains ten essays on divers subjects, together with two briefer notes, the latter printed in English. Some of the essays are concerned with matters of genealogy, and hence are not of very broad interest; but three interesting chapters are devoted to the system of card money, the exodus of 1760-1763, and the milling industry of the seigneurial period.

The essay on the Monnaie de Carte adds nothing to what Professor Adam Shortt published on this subject in the Journal of the Canadian Bankers' Association many years ago, unless it be the claim that the card money issued by Jacques de Meulles was the "first paper money ever used as a substitute for silver currency by the sons of Japeth." The table of prices which M. Sulte has compiled is interesting. In 1665 a musket cost sixteen francs, a pistol four francs. A bushel of wheat, in 1667, was worth only forty sous. A workman in 1670 received from thirty to forty sous per day; the pay of a soldier was about 150 francs per year.

In his discussion of Le Moulin banal M. Sulte gives an array of extracts from the ordinances and other official records, but does not attempt any survey of the milling industry in its economic aspects. These official decrees amply prove that the right of mill banality was not used oppressively by the seigneurs. The chief difficulty with the whole system was that the seigneurial mills were ill-equipped and turned out poor flour.

The brief note at the end of the volume deals rather roughly with Père Marquette. He had no business to be with Joliet on the famous journey to the Mississippi, M. Sulte tells us—"none at all". He was a "mere burden" and "perhaps he could not use a paddle to redeem his own dead-weight".

All of the discussions in the volume are characteristic. The author is never afraid to speak his own mind, and never at a loss for apt phraseology. He writes with a breeziness which is all too rare among historians; even the arid wastes of genealogy yield him an occasional oasis of interesting information. The publishers have done a real service in putting these essays into such attractive and convenient form.

WILLIAM BENNETT MUNRO


In these two series of Les Petites Choses de Notre Histoire, M. Pierre-Georges Roy writes for compatriots among whom the expression Our
History carries a French-Canadian meaning. There are in the first volume, fifty, in the second, seventy-seven petites choses. Each is a well-chosen, well-edited passage from the historical literature relating to French Canada. None of the extracts is very long; some are quite brief; and the rapid changing from one subject to another, together with the terse style of the explanatory notes, makes the reading a pleasure.

The variety in the selection of titles runs from homely topics, such as the nuisance of stray animals in the streets of Montreal (1706) and the absence of sidewalks in Three Rivers (1713), to more heroic subjects, such as the Battle of Châteauguay and the list of French-Canadian combatants. From speeches of public men, and from an occasional newspaper article, M. Roy publishes a few selections, the general tenor of which seems to betray a nationalist amour propre that treasures any casual eulogy and takes to heart any slight upon the people of Quebec. In fact, throughout the extracts and comments bearing upon the mutual feeling of race contrariety, any vexatious expression—such as Sir Edmund Walker Head’s well-remembered reference to a “superior race” in a speech at Hamilton, 1858—the editor stresses pointedly.

This is not said by way of adverse criticism, but simply to suggest one outstanding inference to be drawn from M. Roy’s work; and that is, that the little irritating things in the history of French Canada, quite as much as the great, inflame the national memory with an abiding resentment. Happily there are not many such references to be chronicled; and the reader who glances through the many minor incidents and questions which M. Roy brings together from the French side of Canadian history, will find himself led on, almost unawares, to an appreciation of a characteristic nationalist point of view. By means of these fugitive extracts, selected with no particular method, M. Roy has succeeded in displaying the spirit of French Canada in a wholly novel and entertaining way.

C. E. Fryer


Every genuine student of Canadian history will extend a warm welcome to Mr. E.-Z. Massicotte’s latest publication. It belongs to a class of books we greatly need and greatly appreciate.

In chronological order, it briefly analyses the documents of public character which are still extant in the Archives of the Court House of Montreal, and indicates their present classification. Out of a dis-
jointed mass of old, dusty or musty papers, yellow with age and covered with the seventeenth and eighteenth century writing, hard to decipher and tedious to read, the compiler has presented us with a guide or summary, which instantly puts at our disposal a mine of unused information. We are thus reaping in comfort what must have cost months and months of patient work. The collection is an extensive one, numbering about eight hundred pieces, and is composed of a variety of official documents emanating from different sources, but all relating to the welfare of the community.

It includes orders, edicts and declarations from the King, decisions from the Royal Council, orders and regulations from the Conseil Supérieur, ordinances from the governours and intendants of New France, and "mandements" from the bishops, as well as local ordinances from the governor of Montreal, though its greatest value is derived from the numerous ordinances of the royal judges, who had under their control the civic regulations of the town, and of the intendant's delegate, his alter ego, who had power over the whole of the district.

These documents encompass the entire realm of public affairs: election of town councillors, regulations of the fur-trade, the making of roads, the opening of schools, church matters, the fixing of price for bread and meat, the collection of tithes, the clearing of lands, the billeting of troops, the sale of liquors, the cleaning of side-walks, the obligation for bachelors to get married or suffer penalties, the bye-laws regarding cabmen and bartenders, matters of general importance and details of municipal life, down to the prohibition against "throwing snowballs to one another under a penalty of 50 livres". All these subjects, and a score more, are treated in the manuscripts of the collection, which throws a flood of light on the mode of life in French Montreal two centuries ago.

Mr. Massicotte's book, part of which has appeared in the Royal Society's Transactions of 1917 and 1918, adds to and completes the valuable calendars of French documents in the Federal Archives, published by Dr. A. G. Doughty in the annual reports of that department, and the various useful indexes to the Quebec Archives prepared by Mr. P.-G. Roy.

As to the method of Mr. Massicotte, it is generally sound and reliable, though perhaps slightly lacking in system. His summary of the documents is always accurate, but it gives sometimes too much space to indifferent ordinances, while dealing too briefly with important ones. It would have been a good idea to mention the number of pages of each document. Though not exhaustive, the indications of the printed sources where some of the documents are to be found, form an especially commendable feature of the book.
Mr. Massicotte's treatment of personal names is not always consistent. For instance, in dealing with ordinances issued by a certain official, he calls him "M. Deschambault" (p. 72), while on the same page he styles him "Juge Fleury Deschambault", and a little later "M. Deschambault, lieutenant général". We find several cases of similar variations.

Mr. Massicotte metamorphoses the well-known intendant Champigny into the unknown "Mr. Bochart" (pp. 35, 39, 40, etc.), though he would sometimes call him "Bochart Champigny" (p. 37) and further "Bochart de Champigny" (pp. 41 and 56). Is this because Champigny's patronymic name was Bochart? If we adopt that system, then we should say Duplessis for Richelieu, Buade for Frontenac, and Pierre Lemoyne for d'Iberville. But even if Champigny's name is really Bochart, chevalier de Champigny, as he always signed himself and was always addressed as Champigny, he should retain the name of Champigny, whatever might have been his patronymic name.

It is a matter of deep regret that Mr. Massicotte did not see his way or did not find time to make an index, which is an indispensable companion of any complete work of this kind. It is a deteriorating omission in a very valuable book.

But for these slight reservations, this Répertoire is a most useful addition to our series of calendars of documents bearing on the French régime.


Efforts to reverse the verdicts of history have rarely met with success. Richard the Third remains the monster of cunning and cruelty which Shakespeare drew, and Henry VIII the king who reformed a church because he wanted a divorce. In the early history of Canada, the role of villain is usually assigned to Charles de Menou d'Aulnay de Charnisay in his dramatic struggle with his rival fur-baron, Charles-Amador de La Tour. Moreau in his Histoire de l'Acadie Francoise (Paris, 1873) takes the side of d'Aulnay, basing his estimate on documents in the Archives de la Marine and the Bibliothèque de Paris. Moreau's is a rare work; only a hundred copies were struck off, and of these only fifty were offered for sale. The abbé Couillard-Després has undertaken a very minute and careful examination of Moreau's contentions, which he published first in La Revue Canadienne, and later in the pamphlet under review.

The primary authority for the period is Denys, whose well-known
description of Acadie published in 1672 contains a brief and bald recital of the outstanding historical facts which came under his notice. He knew both d'Aulnay and La Tour well. Like them, he was granted a large strip of territory in America for commercial exploitation. If Denys did not know the truth, who did, or can? The natural objection to his evidence is the fact that d'Aulnay drove him away as an intruder on his domain, and spoiled his goods. On the other hand, Denys writes his scraps of history in a singularly detached and dispassionate tone. The abbé Couillard-Després follows sound traditions of scholarship when he leans hard on primary authorities, those nearest in time to the events related by them, Denys, Hubbard, and Winthrop.

The second chapter is devoted to an examination of the memoir which d'Aulnay drew up in 1644, when he wished to blacken his rival, and establish his own credit with the French court. Naturally such a document must be treated as an ex parte statement. The various charges against La Tour's moral character are considered seriatim, and effectually pulverized. La Tour may not have been a saint, but he was not the libertine described by d'Aulnay. One of the most penetrating remarks on the character of Charles de la Tour is made by Roberts, who points out that he came to Acadie as a boy of twelve, that he lived a wild life among the Indians for years, and yet he showed himself an able diplomat at the court of France and the court of Cromwell. He was able even to ingratiate himself with the stern Puritans of New England. His marriages, first with an Indian woman, then with the Huguenot heroine of Fort St. John, and finally with the widow of his rival, also point to unusual qualities. Three chapters are taken up with a consideration of the actual struggle between the two seigneurs, its origin, progress, and climax in the black tragedy of Fort St. John. Their general effect is to reinforce credence in the story of Denys, which is becoming more and more a popular legend, like the legend of Evangeline, through the efforts of the poets and novelists. The career of Charles de la Tour is one of the most varied, adventurous, and picturesque in history. The abbé Couillard-Després is understood to be writing an extended life of this remarkable man. It should prove a valuable addition to the historical literature of Canada.

ARCHIBALD MACMECHAN

The sub-title of Miss Hotblack's monograph describes it as "a study in the fiscal and economic implications of the colonial policy of the elder Pitt". The book covers a wide field in an interesting, but rather sketchy,
way, and deals in some chapters more with the foreign trade of Great Britain in the eighteenth century, in the Baltic and with Portugal, than with its colonial implications. Chapter iv, the only one dealing directly with Canada, is slight but interesting.

In general, the author is right in emphasizing how greatly the colonial policy of even so soaring an imperialist as Pitt was built on trade; but she credits him with a more consistent, and therefore a narrower, policy than the facts seem to warrant. In theory, Pitt was a Mercantilist, but when confronted with the facts he was willing to break with any theory. Thus when the author speaks of "that great Empire of trade which he designed should centre round the West Indies" (p. 49), she is correct in believing that only by the retention at the Peace of the French sugar islands could the mercantile theory of Empire have been made in any sense workable; but she forgets that Pitt's resolve to make Great Britain supreme in North America was so much stronger than his Mercantilism that he was willing to surrender Guadeloupe for Minorca, but would have broken off negotiations rather than yield an American inch. On the other hand, when Miss Hotblack says that "the real fight for Canada was for a monopoly of the Newfoundland fisheries" (p. 50), she calls attention to what, if not the whole truth, is at least a neglected aspect of it.

W. L. GRANT


The Historical Section of the General Staff in Canada has embarked on the somewhat ambitious project of publishing a military and naval history of Canada from the British conquest up to the present time, with copious appendices of illustrative documents. Thus far only the first two volumes have appeared. The first of these contains a long introductory chapter on the military history of New France, a shorter chapter on the militia of the province of Quebec from 1763 to 1775, and many documents illustrating the second of these chapters. The second volume deals fully with the outbreak of the American Revolution, so far as it affected Canada, the siege and blockade of Quebec in 1775-1776, and the subsequent military history of the province up to the
departure of Sir Guy Carleton in 1778. Of this volume fully four-fifths is taken up with illustrative documents. When it is realized that, apart from the preliminary chapter on “The Local Forces of New France”, these two volumes cover only the first fifteen years of British rule in Canada, the magnitude of the task which the Historical Section of the General Staff has set itself will be clear. If the remainder of the History is conceived on the same generous scale as these two volumes, the whole should reach very large proportions indeed.

Owing to the absence of a preface or introduction—that last standby of the reviewer—it is difficult to be certain as to the purpose which the History is intended to serve. If it is designed for popular consumption, it is not easy to understand why the narrative sections have been made so full and detailed, or why the “illustrative documents” occupy such a disproportionate amount of space. If, on the other hand, the work is intended for the serious student of military history, it is strange that there should be in the narrative sections no reference to authorities or bibliography of sources, and in the documentary sections no explanatory foot-notes or indication of alternative materials. Not only is there no attempt to acquaint the reader with the literature of the subject, but there is even no allusion to such important collections of original documents as the volume on *Le règne militaire au Canada* published by the Société Historique de Montréal and the journals describing the American invasion of 1775-1776 published by the Literary and Historical Society of Quebec in its series of *Manuscripts relating to the Early History of Canada*. In a work of this sort not even the Historical Section of the General Staff should have neglected to cite sources and authorities. “Theirs not to reason why” may be a good principle in warfare, but it is a bad attitude to adopt in writing history.

The narrative sections of the work, the author of which remains anonymous, are written on the whole in an accurate and painstaking way. There are a few errors. In the account of the judicial arrangements made during the period of military rule (vol. i, p. 43), the statement that “the captains of militia in the several parishes continued to exercise the judicial functions of justice of the peace” is only partially correct. There was a marked contrast between the judicial arrangements in the districts of Montreal and Three Rivers, where courts of first instance composed of French-Canadian captains of militia were erected, and the district of Quebec, where the captains of militia were not made use of at all. Nor is our author’s version of the judicial arrangements in the district of Quebec accurate in other respects. Murray’s “court of regular officers”—referred to by him as his “Military Council” or “Council of War”—was not a court from which “the defendant had
the right of appeal to the governor himself". It was a specially constituted court to which Murray, who held court every Tuesday, referred all cases which he did not wish to deal with summarily; and it sat, not "every two weeks", but twice a week. But such errors as these are insignificant. In general, the narrative sections bear the mark of an authoritative hand; they have apparently been written by some one thoroughly conversant with the military history of Canada.

The choice of the illustrative documents displays, in like manner, knowledge and discrimination. In the selection of pièces justificatives on such a large scale, probably no two persons would entirely agree. Every critic could find documents which, in his opinion, should have been printed in preference to those actually included. Many of the documents reproduced have, moreover, been printed elsewhere—in Shortt and Doughty's Documents relating to the Constitutional History of Canada, 1759-1791, in the Canadian Archives Reports, or in the proceedings of learned societies. But it must be admitted that, on the whole, the choice of documents has been well made, and that many of them are now here printed for the first time. As a documentary history the volumes under review entitle the General Staff to the gratitude of historical scholars.

Each of the volumes is furnished with a full table of contents and with a fairly adequate index of proper names. Unfortunately, the appearance of the volumes is disappointing. The paper is poor, and the type is small. The proof-reading has been done in a very casual manner. There are many more printer's errors than are included in the brief list of errata; the punctuation is frequently irregular; and the accents on the French names are often either misplaced, or are absent altogether. If a military and naval history of Canada was worth while undertaking at all, patriotic pride alone ought surely to have dictated that it should appear in a presentable form.

W. S. WALLACE


Mr. Fortescue's latest published volume is considerably larger than most of its predecessors, and deals with the events of only two years; but these, indeed, were years of many battles, combats, and sieges, of which nearly ninety of more or less importance are described or mentioned in his narrative. In 1811 were fought the battles of Barrosa, Albuera, and Fuentes de Onoro and the notable combats of Sabugal, El Bodon, and Arroyo Molinos, all of which receive due attention. Cadiz, Badajos, and Tarifa were besieged. The following year was made
memorable by the storming of Cuidad Rodrigo and Badajos, the surprise of the Salamanca forts, the victory of Salamanca, the unsuccessful siege of Burgos, and Wellington's skilful retreat to the Tagus. It was further distinguished by the passage of an Act in Congress declaring that war existed between the United States and Great Britain—a war which has since taken its name from that year.

Mr. Fortescue's chapters on the campaigns in the Spanish Peninsula seem to be quite up to the high standard of excellence attained in his former volumes. They are, besides, extremely well illustrated by a separate volume of maps and battle plans in colours, and generally with contours—in one instance redrawn, but in others specially compiled for this purpose.

A large part of the chapter on foreign affairs is given to an account of the events and controversies which brought about the war with the United States. It can hardly be admitted that Mr. Fortescue has treated these in a strictly judicial temper. Randolph's denunciation of American Anglophobia in Congress in 1811 is quoted with approval, but the bitter comment is made:

Where England is concerned, American statesmen have only to employ insult, fraud, and untruthful dealing to be sure of popular applause; and they have acted and doubtless will continue to act accordingly (p. 311).

Such a remark is scarcely well founded and, when made deliberately in a work of this character, is not likely to promote future good-will. It ought not to be forgotten that at that very time, when resentment over the capture of vessels and impressment of seamen was not unnaturally very strong, John Randolph, Josiah Quincy, and Daniel Webster, besides many other men of lesser note in Congress, not only opposed the declaration of war but fearlessly championed the British case, and that the Act was passed in the Senate by a narrow majority after a debate lasting twelve days.

Mr. Fortescue admits that the attack upon the American frigate Chesapeake was "an indefensible outrage", but he contends that satisfactory reparation was tendered, which is at least questionable. Jefferson is condemned for having wantonly thrown the proposed settlement aside—"whether from supreme ignorance or for ephemeral political ends is immaterial," Mr. Fortescue lightly remarks. Madison is described as "more servile than Godoy", and the sarcastic comment is made that "his attitude, when not attributable to sheer provincial ignorance, was due to lack of moral courage". These matters are unquestionably not discussed in an historical spirit.

Another chapter of less than forty pages relates rather sketchily the events of the war on the frontiers of Canada for the first six months,
terminating with the action at Frenchtown on the River Raisin, fought in January, 1813. It is quite evident that for his materials Mr. Fortescue has seldom resorted to original sources of information. His references are rarely to documents and he frankly relies on secondary authorities, often biased, sometimes ill-informed; and these have not been critically compared. Although the main outline of his narrative is found to be fairly correct, many inaccuracies are obvious in its details which seem to indicate haste and carelessness in its preparation or revision. The date of the Act declaring war is given as July 17, 1812 (p. 514). On the same page Montreal is described as the seat of government for the province of Lower Canada. The name of the senior American major-general is incorrectly stated as James Dearborn (p. 521). The date of General Hull’s arrival on the Miami river was June 29, not June 30, as stated on page 525. The statement that one party of five hundred Canadian militia “actually sought the protection of the enemy” (p. 525), is certainly untrue. General Procter’s name is mispelled wherever it occurs, but this is a common error. “Port” Erie may perhaps be a mere misprint. It is, however, absurd to say that the Caledonia, a little unarmed brig of less than a hundred tons, belonging to the North West Fur Company, “had so far given the British supremacy on the lake” (p. 535). Nor is it correct to describe the Lady Prevost as the one remaining British ship on Lake Erie, for there were at that time two other ships of war, one of them, the Queen Charlotte, much larger and better armed, besides some gun-boats. A well-known name sometimes appears as Rensselaer, at others as Van Rensselaer, even on the same page (pp. 537-9). Mr. Fortescue’s harsh judgment of Procter’s conduct at the action on the River Raisin is admittedly based on the evidence of Richardson, a very prejudiced authority in this particular case on account of a personal grievance.

Altogether, it must be remarked regretfully that Mr. Fortescue’s treatment of military operations in Canada does not by any means exhibit the same care, impartiality, and mature consideration which mark other parts of his valuable work.

The map supplied of the lake frontier of Canada, with an inset of the Niagara frontier, also appears very inadequate. The volume is provided with an excellent index.

E. A. Cruikshank

Peter Sailly; A Pioneer of the Champlain Valley. With Extracts from His Diary and Letters. By George S. Bixby. New York State Library. History Bulletin 12. Albany. 1919. Pp. 94. Peter Sailly, the subject of this bulletin, migrated from France to the
United States in 1785. He settled in Plattsburg, New York, and passed his life there, taking an active share in the trade and in the politics of the Champlain Valley. His correspondence and diary, preserved in the New York State Library, show him as a pioneer of strong initiative and of considerable fortune—a typically successful trader and settler of consequence on the Canadian-American border. Shortly before the War of 1812 he became federal collector of revenue; and in this capacity watched over the trade that passed in either direction across the frontier line. His letters to acquaintances and his official reports to Washington contain examples of mercantile transactions between persons on different sides of the line during the War of 1812. His solicitude for a naval armament to withstand Sir George Prevost’s campaign of 1814 is well borne out by extracts from his correspondence reprinted at the end of the monograph; these include also one or two episodes connected with the Battle of Plattsburg. Mr. George S. Bixby, who compiles the bulletin, has constructed the narrative with full appreciation of its historical setting.

C. E. Fryer


Miss Judson’s article is well worthy of the serious attention of all students of the history of the North West Coast. As the title indicates, it is not intended as an impartial discussion, but rather as a reminder that there were two sides to this phase of the Oregon dispute. The British claim of ownership of the coast can scarcely be supported in the face of the Nootka Convention; much surer ground was the other British position: that Astoria was a private trading post not captured but de facto purchased during the war and therefore incapable of supporting the claim of the American government for its return as a national possession. Our author has delved deeply into the Foreign Office records in her search for materials bearing upon the question. She has wisely chosen to set out verbatim some fifteen letters and reports upon which she relies, instead of attempting the difficult and often dangerous task of summarizing them. Of course, as she points out, many historical errors occur in these documents; for example, in the lengthy letter from Simon McGillivray (pp. 254-260). It would have been better had attention been directed to the principal mis-statements by means of footnotes.

Astoria was established as a fur-trading post in 1811 by the Pacific Fur Company. Its private nature is clearly shown (if proof were required) by Astor’s invitation to the North West Company to take a
one-third interest in the venture (Astoria, London, 1886, vol. i, p. 51). Naturally that company looked with jealousy upon the new concern and bent all efforts west of the Rockies to its defeat. The war of 1812-14 afforded them an opportunity to rid themselves of their rivals. They importuned the British Government to despatch a war-vessel to capture Astoria. The government consented. The Nor’ Westers immediately sent to Astoria an overland party who placed before McDougall the choice of sale or capture. He chose the former; and the bargain was, as Miss Judson points out, approved by Wilson Price Hunt, Astor’s second in command. Up to this point, whatever may be said about trading with the enemy, it is impossible to suggest that Astoria had been captured. Two months after the sale the British war-vessel Raccoon, arrived only to find the post British property. Captain Black, however, went through the empty formality of taking possession. Upon this act John Quincy Adams based his claim that Astoria came within the words of the first article of the Treaty of Ghent: “All territory, places, and possessions, whatsoever, taken by either party from the other, during the war . . . shall be restored without delay.”

After a preliminary correspondence which Miss Judson reproduces (some of which may be found in extenso or summarized in Greenhow’s Oregon, pp. 307 to 313) and which only goes to show the crass ignorance of the British diplomats as to the real facts, Adams ordered the Ontario to the Columbia to take possession. In the meantime the discussions continued. Mr. Adams’s course therein appears quite tortuous. However, the despatch of the Ontario was a fait accompli which forced the British either to accept it with reservations or to take some serious step. In the result the Prince Regent acquiesced in the re-occupation of the limited position which the United States had held on the Columbia at the outbreak of the war, “without, however, admitting the right of that government to the possession in question”. Unfortunately the reservation, though clearly expressed to the North West Company and to the British Ambassador, does not appear to have been transmitted in writing to the United States Government. It is not included in either the formal act of cession or in that of acceptance.

It would have been interesting had our author, instead of accepting without comment the British position that the coast was British territory and Astoria an encroachment thereon, discussed that subject, especially in view of the terms of the Nootka Convention and of the stand taken by Britain in the Oregon dispute: “Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in respect of any part but to the whole is limited to a right of joint occupancy in common with other states, leaving the right of exclusive
domain in abeyance” (Letter from Huskisson and Addington to Gallatin, Dec. 16, 1826). The Nootka Convention was purely negative in its terms: that is, Spain abandoned her claims of exclusive sovereignty, navigation, and commerce, but no rights of sovereignty were thereby conferred upon Britain. Pitt’s proposal of colonization may well originate in the view (for he was prime minister when the convention was signed) that the region was “no man’s land”, and would become the property of any nation that settled upon it. This interpretation is constantly reiterated in the Oregon dispute correspondence. It may be that this question is reserved for future consideration, as Miss Judson intimates that this study is only an advance paper and that she is at present engaged upon a history of the coast. The reference to William Pitt’s letter as of July 4, 1814, would seem an error; he died in 1806.

The opening remarks upon the bitterness in the United States towards Great Britain in the early part of the last century are germane to the relations between the two nations. As Miss Judson correctly points out, this feeling must be appreciated in order to reach proper conclusions.

Mr. T. C. Elliott, a very careful student of Oregon history, has dealt with the visit of the Ontario and the restoration of Astoria in two articles in the Quarterly of the Oregon Historical Society, vol. xix, pp. 181-7, 271-282. These form an interesting appendix to the work now under review.

F. W. Howay


This memoir is a companion volume to the _Minutes of the House of Assembly of Vancouver Island_, reviewed in the _Review of Historical Publications relating to Canada_, vol. 22, p. 128, though unfortunately it extends to one year beyond the date at which the _Minutes_ terminate. It covers the work of the first Legislative Assembly. During that time the body consisted of seven members, but in 1860 the number was increased to thirteen. The correspondence between the Speaker and the Governor is purely formal and throws but little light upon the situation. Many of the letters are only reprints of those set out in the _Minutes_, while others are merely the embodiment in letter form of resolutions recorded therein. Beginning with enquiries to ascertain the nature and limits of the rights and powers of the Hudson’s Bay Company and of the Legislative Assembly respectively, the correspondence shows the gradual development of the misunderstandings which naturally arose from the divided jurisdiction. The Assembly frequently complain of
the breach of their privileges by the Legislative Council or the Governor, who also represented the company. As often as they attempted a constructive policy they found their progress effectually barred by lack of funds; for, by the terms of the conveyance of Vancouver Island, the moneys arising from sales of land were under the control of the company, leaving to the Legislative Assembly only the pittance obtained from liquor license fees. The difficulties of the situation are but thinly veiled by the ostentatiously courteous language of the correspondence.

During this period the great gold "rush" of 1858 occurred, but no reference thereto is found except a resolution suggesting the establishment of a mint on Vancouver Island. The first outcropping of the Songhees Indian Reserve question, which was only settled a few years ago, appears in a letter in page 46, dated February 5, 1859.

This volume completes the official work of the late Mr. E. O. S. Scholefield, the Provincial Archivist, and it may not be inopportune to express appreciation of his labours on behalf of Canadian history. Under his guidance the Archives of British Columbia came into being; his search for materials relating to the story of the Pacific coast was unremitting and was carried on with enthusiastic zeal; every repository, public and private, was examined by him in an earnest effort to gather together everything connected with the by-gone days; and as a result a complete and valuable collection of books, manuscripts, journals, letters, and documents of all kinds was obtained. A beautiful building on modern lines was erected to house these treasures. He had arranged, indexed, and, in great part, catalogued them, and was just beginning to give to the world these memoirs indicative of the wealth of historic sources, when death claimed him.

F. W. Howay

The Grey Nuns in the Far North. By Father P. DUCHAUSSOIS, O.M.I.

FATHER DUCHAUSSOIS has written an interesting account of the activities of the Grey Nuns in the Far North of the Canadian West. His record adds another heroic page to the history of a religious community which had made a noble contribution to missionary endeavour since its formation in 1738 at Montreal by Madame D'YOUVILLE.

There is something of romantic continuity in the fact that religious work among the Indians should be carried on in the nineteenth and twentieth centuries by a community of religious founded in Quebec by French Canadians. Father Duchaussois's volume bridges the years, and links up centuries of similar ventures of faith. To those who can take broad views and who can balance the various forces which mark
the progress of high ideals and of civilization, his work will undoubtedly appeal. Throughout there runs a simplicity, a directness, an optimism, and a heroic sense of admiration which lifts the activities of the Grey Nuns into something of a great venture of faith.

On the other hand, it is to be regretted that records of this nature seem destined to fall between two stools. The attempt to combine historical narrative with edification is, as a rule, a failure. A Châteaubriand may succeed where the lesser writer fails. Father Duchaussois is not a Châteaubriand. He has those qualities as a writer which belong to the literature of piety; and he sets his history in a religious frame and lends it an atmosphere of pious exhortation. There is a middle course between the method which he has followed and that of the mere chronicle. It is the course of the true historian. From this point of view, Father Duchaussois’s very qualities prove his most serious defects.

The mechanical side of the book is good. The illustrations, though poor, are interesting. There is a good table of contents, but there is no index and no bibliography.

W. P. M. KENNEDY


The records of Canada’s efforts in the war have received a valuable addition in Lieut. Alan Sullivan’s Aviation in Canada, 1917-18.

Few people realize that the pilot in the machine is merely the apex of a pyramid. To the popular mind the pilot and his machine just happen. Everybody knows what the Canadian pilots did at the front: but little is known of the grinding labour in the drawing offices, work shops, and flying sheds, of the great efforts made by designers and scientists, or the tremendous organizations for training and maintenance, required to put and keep pilots in the air. This book deals with the work behind the scenes, and only one part of that work, training. It tells in detail of the beginnings and work of the R.A.F. Can., an organization which, starting from nothing in January, 1917, sent 2,539 trained pilots and 85 observers overseas before the signing of the armistice. And it not only did this, but one branch of the organization, the Canadian Aeroplanes, Ltd., built the training aeroplanes, exclusive of the engines.

The book tells how the war, an insatiable Oliver Twist, demanded more and more pilots, until in December, 1916, the Air Board in London
determined to form an Imperial Training Wing in Canada. Of the difficulties overcome, of the methods of training and what was taught, of the cost and the organization required, the fullest information is given, together with photographs and explanatory graphs. If the total number of pilots and observers sent overseas in twenty-three months seems small when compared with the total number of Canadian pilots and observers in the Air Force, it must be remembered that, when the R.A.F. Can. started, recruiting for the C.E.F. was at a standstill, and that later the Military Service Act drained the country.

The work naturally fell into three divisions, the actual training, the supply of material and the obtaining of recruits. While the officers organizing the training were sent from England, it was the Aviation Department of the Imperial Munitions Board, a strictly Canadian group, that built the training machines, laid out the aerodromes, purchased supplies, made railways, and attended to the million and one requirements of the newly created units. The success of the recruiting was also due to the work of civilian committees, which were formed in every town of over 10,000 inhabitants, and to the public spirit of individuals in the smaller towns.

For purposes of reference, the material in the book is admirably arranged in sections, and should prove a mine of information for the technical flying man or the historian.

Douglas Hallam


Dr. Buller has done much more in this book than his modest title declares. As Professor of Botany in the University of Manitoba his attention was very naturally claimed many years ago by the Marquis Wheat, which is to-day (with its parent, the Hard Red Fife) the basis of all the high-grade wheat grown in Western Canada. His third chapter is an account of the work of Dr. Charles E. Saunders, who as Cerealist for the Dominion of Canada produced the single grain of wheat in 1903 from which has sprung all the Marquis Wheat at present in existence. The history of the new variety is well worth commemoration. Six years passed before the supply of Marquis had grown sufficiently to allow for thorough milling and baking tests, and for distribution among farmers. In the spring of 1909 four hundred samples were sent to many parts of Western Canada and its general cultivation began. Marquis Wheat invaded the United States almost at once, and to-day 300,000,000 bushels are being raised in North America from the seed originally selected seventeen years ago.
The quality of this wheat which first attracted attention, and which made it so valuable for the northern prairie, was its early ripening. It can be sown as spring wheat in latitudes where the slower ripening grains cannot, and it can be trusted to mature before the frosts at the close of the year. But for this reason it is a spring wheat more valuable to Canada than to the United States, and its development in the United States has occurred chiefly in those states where winter wheat is little sown.

The achievement represented by the production of this enormous crop, from a grain selected on an experimental farm less than twenty years ago, recalls the great impulse to agriculture, which came from scientific farmers of the eighteenth century. This is a record of which the Dominion Department of Agriculture may well be proud, and Dr. Buller treats his book primarily as a monument to the great cerealist who made so great a development possible. But it is much more than a scientific exposition of the qualities of a variety of wheat. The first two chapters of the book, which are designed to form a perspective for the right appreciation of the Marquis crop, are a general account of the grain trade of Western Canada. Chapter I is devoted to the story of the Red River Settlement in Manitoba, and is based largely on the work of Professor Chester Martin and the Selkirk Papers. It is a record of pluck on the part of the early settlers no less than of persistent misfortune. Chapter II gives an account of the grain trade in modern Manitoba. It explains in great detail the type of farming which is general in the West, the system of transportation by which the wheat is passed through Winnipeg and the cities at the head of Lake Superior, the methods of inspection and grading employed by the government, and the means by which the crop is financed.

Once or twice Dr. Buller is betrayed by his authorities into statements which it is to be hoped will be corrected in a subsequent edition. On page 39, in a table designed to show the position occupied by Canada among the great wheat-exporting countries of the world, a quotation from the Cereal Maps of Manitoba leads him to represent the Netherlands, Belgium, and Germany as wheat-exporting countries. Of none of these is the statement true, though Germany did before the war export an amount of wheat rather more than equal to one-fifth of her wheat imports. Similarly the quotation of figures relating only to a single year gives a misleading impression of the relative importance of the wheat-exporting countries. Canada does not normally hold the second place, as she did in that year. This would be corrected if the figures for a period of five or six years were combined in an average. It is more than a pity that so many of the official publications of Canada lend them-
selves to criticism of this type, and betray writers who depend on them into statements which are not borne out by the facts.

But this is a small fault in a book which deals more fully than any of its predecessors with the economic organization of the grain trade in Canada. It should take its place beside the studies of the great industries of North America, which are now at last becoming plentiful. Most valuable of all, it gives an account of the reorganization of the grain market which was caused by food shortage in war time; and the reader who has digested the very detailed information secured for him by Dr. Buller, will be prepared for the difficulties of transition from wartime regulation to the free market for wheat, which will some day be restored.

G. E. JACKSON


"The late war . . . in its general effect upon the British Empire does not seem to have created anything that is fundamentally new. It has not overturned and revolutionized the past. What it has done has been greatly to magnify, widen, and accelerate tendencies and movements which were already in being." Thus Sir Charles Lucas concludes his short but penetrating survey of the Great War. He finds that democracy, as a spirit, has become more vital and more capable of stirring up enthusiasms. However, he sees in the growing belief in the method of the referendum signs of political heresy. The referendum tends to isolate questions and as a result they lose in reality; while historically its uncompromising logic is far removed from the genius of the British race. The war too has emphasized the nationhood of the Dominions. Sir Charles Lucas writes here with insight and with no desire to say the right thing. It is interesting to note in this connection that he thinks the war had done a vast amount to rule an Imperial Parliament out of the question, and that it will help the growth of political thinking in the Dominions in a marked degree. In other spheres there has been advance. Perhaps the most interesting fact to which he draws attention is this, that the war which was purely one of defence has resulted in large British conquests. It is thus "a magnifying glass under which to detect the true germs of former wars and correctly analyse causes and effects of past history". The growing interest before 1914 in Empire history has received an illuminating impetus, and there can be no doubt
but that the events of the last few years will lend it almost a new perspective.

Mr. Hattersley attempts to survey the ideal of Imperial Federation from 1754 to 1919. His book is more significant than valuable, for South Africa has not as yet contributed much to the problem of Empire. The earlier chapters summarize adequately the well-known history and will be very useful for convenient reference. They are, however, rather of the nature of a chronicle, and they lack interpretative insight and do not give the reader the confidence of wide historical background. The concluding chapter is much more valuable as an expression of opinion on the status of the Dominions. Mr. Hattersley has evidently studied South African sentiment with care and found it, equally with that of the other Dominions, thoroughly opposed to centralization. He sees in the fact that the Dominions are formal members of the League of Nations an interesting development. As such "it may not seem necessary for the Dominions to become also formal members of a Federated British Commonwealth, the more so as the functions which a federal legislature would discharge are, for the most part, precisely those which should come within the cognisance of the League".

We welcome Mr. Hattersley's little book. He tells us of the difficulties of historical research in South Africa, yet in spite of them he has gathered together much material, which, well known though it is to students, is of great importance for the general reader. We hope that we shall in the future see further work from his pen, especially in connection with South Africa.

The book has no index. The bibliography is uneven, and that on Canada singularly inadequate.

W. P. M. Kennedy


John Seath holds a more prominent place on the title page of Professor Squair's volume than in the body of the book. What the reader finds here is, in the main, a condensed account of changes, incidents, and persons connected with education in Ontario since the year 1862, when John Seath, then a youth of eighteen years, became a master in the grammar school at Brampton. John Seath's entry on his fifty-seven years of work in the provincial school system suggests a comparison between conditions than and now; and the author at some length gives the statistics of the increase in population, the proportionately much greater increase in the number of schools and pupils, the increase in
salaries and general expenditure. And so, throughout, between the brief biographical paragraphs, are interspersed much longer sections devoted to summary notices of contemporary matters of interest in the educational history of the province. The author has something to tell us about such topics as the University Commission of 1861, the School Act of 1871, the admission of women to the universities, the Ross Bible, "Temperance" in the schools, the foundation of the Ontario Educational Association. Further we have glimpses of various persons who were influential in educational development—Egerton Ryerson, Daniel Wilson, George Brown, George Ross, Paxton Young and others. A passage in regard to Paxton Young may be quoted as a sample of the book:

Generally speaking, he is merciful to the teachers and puts the blame on the laws and regulations which permitted the schools so often to be filled with pupils who could not profit by the instruction given. The most potent cause was the law (1865) which apportioned the Government grant to Grammar Schools on the basis of the number of pupils in each school who were taking Latin. This led to the adoption of a low standard of admission as well as to undue pressure on pupils to enter the Latin class, irrespective of taste or fitness. One of the interesting features of the situation was the fact that the number of girls attending the Grammar Schools and taking Latin therein was increased. And this raised the embarrassing question as to the suitability of co-education. Young's opinion was that girls could do Latin as well as boys, but that taking all the circumstances into account it was not a desirable subject for girls in the average Grammar School of Ontario. What he would have liked to see was a set of separate English High Schools for girls with studies suited to their needs. In the second place he would have changed the majority of the Grammar Schools into English High Schools for boys in which little attention should be paid to Latin or Greek and a great deal of attention to English and Elementary Science, and in which the ordinary citizen might obtain a preparation for life. And in the third place he would have established a small number of superior classical schools in the larger cities for boys who were preparing for matriculation into the universities and learned professions.

On the whole, this chronicle of attempts by Ministers, Superintendents, and other officials to improve education makes somewhat depressing reading. Often, as Professor Squair points out, the change produced results very different from those anticipated, or perhaps no very manifest results at all. The evils of the actual, patent to everybody, and the dream that this or that nostrum would work a certain cure, has led to a restless system of change until in some cases—as in that of the relation of university to teachers' examinations—"the compass has been boxed." While, undoubtedly, in matters of building, equipment, text-books, and other more or less external matters, there has been great advance, one may be pardoned if he wonders whether in genuine education the boys—at least those from the best schools—are any better off now than in the less pretentious days of 1862.

The autobiography of a man like Dr. Grenfell could not fail to be interesting. His life-work in Labrador is, in part at least, widely known and appreciated. By his lectures and writings he has for years been trying to enlist public sympathy for the fishermen, and this book, an autobiography of a man still in the prime of life, is another effort in the same direction.

Dr. Grenfell's method of self-portraiture is not that of the late Mr. Henry Adams. The readers will look in vain for descriptions of mental and moral struggle or for an evolution of principles of conduct. A few pithy reflections, the fruit of his experience, or, rarer still, emphatic statements of some deep conviction, give occasional glimpses of the author's inmost soul, but the book is mainly a record of work done. Dr. Grenfell is emphatically a man of action. We see it in the interesting chapters which sketch his boyhood and student years. He was all for out-of-door life, for sailing, swimming, shooting, rowing, football. As he relates it, his adoption of medicine as a means of livelihood was almost an accident. But he soon became keenly interested. We know from other sources, not from his own narrative, that he might have become a famous surgeon had he stayed in London. But sympathy for sea-faring folk, and a determination already reached as a student to work for others, not for himself, carried him away from posts of emolument, first to the North Sea fishing fleet, then to Labrador. The energy, high spirit, and tenacity that had made him an all-round athlete were now to make him the material and moral renovator of the Labrador fisher-folk. His original mission was to give them medical service, coupled with Christian exhortation. But he soon saw that the appalling conditions of life on that coast were at the root of the diseases which he was trying to cure, and that there were social problems demanding a solution. Dr. Grenfell was not the man to shrink from grappling with any task to which he seemed called, and before long he was establishing co-operative stores, to free the fishermen from the slavery of the truck system. The foundation of the orphanage soon followed, and the orphanage led to the undenominational school. Another line of activity began with his single-handed fight against the purveyors of alcoholic liquor. The logical conclusion of this campaign was the erection of the Seamen's Institute at St. John's. The attempt to introduce reindeer has been his only failure, perhaps we should say his only hitherto incomplete success, for it is unsafe to use the word failure
for any efforts of a man like Dr. Grenfell whose tenacity of purpose is proof against a few untoward experiences at the start. As a matter of fact every one of Dr. Grenfell's philanthropic enterprises has been carried out in the teeth of opposition from powerful interests, and the want of money has hampered him continually. Nevertheless he has had his way in the end, and results have justified him and not his critics. The history of all these things is in Dr. Grenfell's book. We should have liked a few more dates, and perhaps these might be supplied in a second edition.

On a general survey of Dr. Grenfell's career, as outlined in this interesting autobiography, it becomes apparent that his task in life has been essentially that of so many of his family, the benevolent rule of a dependent population. Except for the accident of his early familiarity with the sea and his exceptional choice of medicine for a profession, he would doubtless have found his way to India, and the "forty-eight cousins" whom he mentions as present at the first Delhi durbar, all engaged in either military or civil administration, would have been increased to forty-nine. Dr. Grenfell is an outstanding example of the Englishman's inherent capacity for government. His strong practical intelligence, his sense of duty to those in his charge, his courage and resource in grappling with evil customs, entrenched in convenience or general acquiescence, can be matched in the history of many a British proconsul in the east or in Africa. But Dr. Grenfell is unique in that his successes have been achieved among a white population, largely English by descent, and by sheer force of character without the prestige of office and the backing of a powerful government. The results of his twenty-odd years of activity on the Labrador coast place him in the first rank of British administrators. But the most important factor in his success and the one that marks him as essentially modern in his methods and aims is his capacity for engaging the sympathies and services of others in his work. The band of voluntary helpers enlisted under his banner is now numbered by hundreds, and his quick appreciation of the value of co-operative effort will make for the permanency of his great work, which is already one of the noblest Christian philanthropic efforts of the twentieth century.

H. H. Langton


Sir Robert Falconer's new volume is small only in the sense that it is brief. Nothing more full of suggestion and more timely, both in its balance and its hopefulness, has appeared in recent months. Throughout
the author writes with two main ideas in his mind. He is convinced, both as an educationalist and as a publicist, that real education is something very much more than the quickening of intelligence. Although, he does not say so, he has his own student days in Germany constantly before his eyes. He has his old admirations (and which of us has not?) for the thoroughness of German teaching, for the love it had of learning for its own sake, for its devotion to an idea; and yet all this intensity has taken a wrong road, and has led to the tragic struggle which lies behind us. A most intelligent people showed itself unmoral, inhuman, the challenger of all that the world had come to consider as righteousness. There may be a most competent education which yet leaves men worse than it found them.

The second main idea running through the book arises from the disillusionment of this post-war time. The flags have ceased to wave, and maimed men are limping about our streets, and all society is disturbed with this strange phenomenon, the enormously increased cost of living. Labour has at least doubled its receipts, while salaried men remain pretty much where they were; and yet labour is not satisfied, while the position of the salaried man has in multitudes of cases become desperate. And so in a most interesting essay Sir Robert Falconer raises the question—What about progress? Our generation was optimistic by temperament, because perhaps of the energies of youth in a new world. The later Victorians were optimistic because their conception of evolution was that of inevitable progress towards better things. But while it is possible to say that the war brought out much that was best and most heroic in human nature, while it may be claimed that the sacrifice made by so many hundreds of thousands was the supremest form of religion, there is yet the uneasy feeling as men look out over the world to-day that mankind has gone back, and not forward. For our comfort our imaginations can hardly picture conditions in the Balkans and in the Caucasus. Conditions prevent us from doing, with those whose eyes are closed, what Carlyle did with Emerson. When Emerson came to visit Carlyle he said that everything he saw of the English people made him feel more and more the splendour of the race. The great thoroughfares of London impressed him thus. So Carlyle, taking him through the region of Seven Dials, turned and asked him, as they scraped elbows with the horrors of the neighbourhood, “Will you believe in the devil noo?” Sir Robert is sure that there is progress, but his essay will not be comforting to those who close their eyes to things as they are.

Singularly timely, too, is the chapter “The Claim of the Bible upon the Educated Reader”. The time of sorrow is always the opportunity
for the religious crank. Those earnest people who live upon single and apocalyptic texts are having a free field at the present time. Sir Robert sets forth the knowledge that has for many years been the possession of scholars with regard to the historical criticism of the Old and New Testaments, but he states the results of this criticism in a way that is bound to carry weight with those who have been unable to follow the processes by which these results have been attained. He is anxious that in the formation of national character it should be noticed that Scripture is always dealing with definite historical conditions:

Apart from the inspiration which average people get from the illuminating flash of individual verses, there are in the New Testament arguments and religious truths which are intelligible only as against a background of contemporary religious thought and practice. In fact the epistles were written to people who were themselves in a new situation in the midst of an old world, and unless the reader knows something about the old world he cannot comprehend the new situation nor the import, the masterly handling of new problems and the unique religious and moral teaching of these books.

Sir Robert Falconer has done us all a service by this eloquent, fresh, and well-balanced book. He can be the critic of the life in which he moves. He can tell Canadians that they are so absorbed in the active functions of life as to give but little room for the contemplative. The reader has here the material for a month of thought.

R. BRUCE TAYLOR
RECENT PUBLICATIONS RELATING TO CANADA

(Notice in this section does not preclude a more extended review later.)

I. THE RELATIONS OF CANADA TO THE EMPIRE

A study in Anglo-American diplomatic relations, with special reference to Canada.

Desy, Jean. *De l'Ile à l'Empire* (Revue Trimestrielle Canadienne, December, 1919, pp. 385-410).
A study of the development of modern British imperialism, from a very critical French-Canadian point of view.

Reviewed on page 222.

A paper, to be continued, surveying the present situation in regard to the imperial problem.

Reviewed on page 222.

II. THE HISTORY OF CANADA

(1) General History

The first of a series of four volumes covering the history of Canada under British rule. To be reviewed later.

A sketch of Canadian history up to 1840, prepared by the author as the first of a series of lectures on French Canada, to be delivered at the Catholic Institute in Paris, France.

To be reviewed later.


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Reviewed on page 210.


A fresh discussion of the authenticity of the famous “Kensington runestone”, discovered in Minnesota about twenty years ago, and purporting to be, with its inscription, an archaeological evidence of a Norse expedition into the heart of North America in 1362. The author brings forward some new arguments in favour of the genuineness of the stone, on the assumption that the expedition reached Minnesota by way of Hudson Bay.


To be reviewed later.


To be reviewed later.

(2) The History of New France


Genealogical details.


An article commemorating the building in 1720 by the French of a fort sixteen miles above Kaskaskia, in the Illinois country.


An account of the life and work of the historian Charlevoix.


Reviewed on page 209.


The marriage contract, dated 1676, of Sir Wilfrid Laurier’s direct ancestor, François Cottineau dit Champlaurier.


A calendar of the actes de foi et hommage preserved in the archives of the courthouse at Montreal.
RECENT PUBLICATIONS

Reviewed on page 206.

A donation à cause de mort made by Lahontan in Montreal in 1684.

ROY, P. G. Jean-Baptiste Couillard de Lespinay (Bulletin des recherches historiques, vol. xxvi, no. 1, pp. 3-10).
A biographical sketch, well documented, of the first captain of the port of Quebec, a native Canadian born in 1657.

A detailed study of Louis Rouer de Villeray, one of the members of the original Sovereign Council of 1663, and his descendants.

Reviewed on page 205.

SULTE, Benjamin. Au Lac la Pluie, 1731 (Bulletin de la Société de Géographie de Québec, Janvier-Février, 1920, pp. 16-20).
A brief chapter in the history of the western fur trade during the French régime.

Reviewed on page 205.

(3) The History of British North America to 1867

An interesting manuscript of unknown origin, supposed to have been written about 1765, describing the routes from Michillimackinac to the Mississippi.

CHAPAIL, the Hon. Thomas. Le Comité des griefs de 1828 (Le Canada Français, vol. iii, no. 5, pp. 325-338; vol. iv, no. 1, pp. 5-18).
A detailed study of the proceedings of the committees on grievances formed in 1827 in Quebec and Montreal, of the mission sent to London and of the committee of inquiry appointed by the House of Commons in 1828.

A sumptuously illustrated account of Lafayette's career in America, containing some brief references to his projected mission to Canada in 1778.

A paper summing up the controversy over the British operations near Amherstburg and Moravianstown in the autumn of 1813.

Reviewed on page 212.
To be reviewed later.

An account of the relation of Canada to the anti-slavery movement in the United States.

A well-written account of the working of the “underground railroad” after the passing of the Fugitive Slave Law.

To be reviewed later.

The first two of a series of articles, full of learning, but popularly written, describing the development of the legal profession in Canada.

An account of a “confidence” swindle in Upper Canada in the early years of the nineteenth century.

A valuable contribution to the bibliography of the Rebellion of 1837.

(4) The Dominion of Canada

A proposal that Canada should accept a mandate from the League of Nations for the government of Armenia and Constantinople.

DAVID, the Hon. ATHANASE. *La mentalité canadienne* (Revue Canadienne, vol. xxv, no. 2, pp. 81-101).
A study of Canadian nationalism, by the provincial secretary of Quebec.

To be reviewed later.

Reviewed on page 226.

A plea for the reconstruction of the Canadian militia system.

LOVEKIN, L. A. M. *Charles Lindsey, an Ornament of Canadian Journalism* (Canadian Magazine, April, 1920, pp. 504-508).
A biographical sketch of the son-in-law and biographer of William Lyon Mackenzie.

Essays on present-day Canadian topics and problems, from a typical French-Canadian clerical point of view.

A paper which traces the Canadian attitude toward hereditary honours and life titles.


A clear, interesting, and authoritative account of Canada's new international status, by the President of the Privy Council for Canada.


An account of the origin of the various coats-of-arms found on the fly of the union ensign of Canada.

(5) **The History of the Great War**


A pamphlet, compiled by a staff captain of the First Canadian Division, giving an account, from official sources, of the fighting of the First Division from the opening of the battle of Amiens on August 8, 1918, to the conclusion of the armistice on November 11. The pamphlet is illustrated with some photographs and some excellent sketch-maps.

III. **PROVINCIAL AND LOCAL HISTORY**

(1) **The Maritime Provinces**


A paper by the editor of Richard's *Acadie*, reviewing once more the story of the deportation of the Acadians. The paper is based on materials in the Massachusetts archives, but it does not present much that is new, and it is very partisan in its point of view.


Some curiosities in the legislation passed by the Nova Scotia legislature between 1758 and 1775.

(2) **The Province of Quebec**

BOURBONNIÈRE, AVILA. *La Mutualité: ce qu'elle a été; ce qu'elle est; ce qu'elle sera.* Montréal: G. Ducharme. 1919. Pp. 185.

A book by a French-Canadian labour leader which gives an account of the spread of mutual aid societies in the province of Quebec.

CARON, l'abbé IVANHOÉ. *La Colonisation de la province de Québec* (Le Canada Français, vol. iii, no. 5, pp. 343-352).

An account of the present-day colonization of the newer parts of the province of Quebec.


To be reviewed later.
(3) The Province of Ontario

A brief outline.

An essay in Glengarry local history, which contains much interesting and curious information.

A brief sketch of the Hon. E. C. Drury, the new prime minister of Ontario.

An account, based apparently on traditional sources, of some of the early settlers near the head of Lake Ontario.

A contemporary account of the later stages of the Rebellion of 1837 in Upper Canada.

[Lundy Lane Historical Society.] The Centenary Celebration of the Battle of Lundy's Lane, July Twenty-Fifth, Nineteen Hundred and Fourteen. Niagara Falls, Canada: Lundy's Lane Historical Society. 1919. Pp. 150.
A full account of the centennial commemoration of the battle of Lundy's Lane, prefaced by a short account of the battle by Mr. R. W. Geary, the president of the Lundy's Lane Historical Society.

A paper revealing considerable local research.

A brief account of the history of the County of Oxford.

A study, based on research in the Canadian Archives, of the state of the criminal law in Upper Canada in the early years of the province.

—— —— How the King's Bench Came to Toronto (Canadian Law Times, April, 1920, pp. 280-291).
An interesting paper, based on research, giving an account of the fight made by Chief Justice Elmsley to prevent the Court of King's Bench being transferred from Newark to York (Toronto) in 1797.

—— —— The First and Futile Attempt to Create a King's Counsel in Upper Canada (Canadian Law Times, February, 1920, pp. 92-100).
The story of the abortive nomination of Christopher Alexander Hagerman as the first King's Counsel in Upper Canada in 1815.

An interesting paper having as its theme the crucial part played by the mosquito in Upper Canadian history.
RECENT PUBLICATIONS


A few items of information regarding the Lincoln Militia, hitherto unpublished, found among the papers of the author after his death.


An interesting note on place-nomenclature.

(4) The Western Provinces

McKenna, J. A. J. *Indian Title in British Columbia* (Canadian Magazine, April, 1920, pp. 471-474).

A discussion of the legal aspects of the Indians’ title to lands in British Columbia.


To be reviewed later.

IV. GEOGRAPHY, ECONOMICS, AND STATISTICS


Contains all decisions of the Board from April, 1917, to March, 1919.

Grand Trunk System. *Annotated Time-Table: The Tour through Canada of His Royal Highness, the Prince of Wales, August-October, 1919.* Pp. 63.

A sumptuously illustrated historical guide-book to those parts of Ontario and Quebec traversed by the Prince of Wales in the autumn of 1919.


A statistical paper, particularly valuable as showing the relation which Canada bears as a wheat-producing country to the rest of the world.


A striking but discursive study of present-day economic conditions in Canada.


An account, by Mr. Stefansson’s second-in-command, of the fifth and last exploring trip of the Canadian Arctic Expedition, a trip made on the ice across Beaufort Sea.

V. ECCLESIASTICAL AND EDUCATIONAL HISTORY


Selections from the letters of a young Church of England clergyman, the son of Bishop Creighton the historian, who spent four years in Western Canada before the outbreak of the war in 1914, and who was killed in France in the spring of 1918. The letters from Canada are an interesting commentary on conditions in the West.


A collection of speeches and letters by the superintendent of public instruction in the province of Quebec. Most of the speeches are on educational subjects.

Reviewed on page 218.


An admirable little book "for the instruction of adult immigrants". It contains a brief illustrated account of Canadian history.


A sketch of Dr. Grenfell's life and work, apparently intended for children.


A biographical sketch of an English clergyman who was bishop of Quebec from 1892 to 1914.


To be reviewed later.


A sketch of the history of a Sulpician College formed in Montreal in 1767.


A brief sketch.

MAGNAN, C.-J. *À propos d'instruction obligatoire: La situation scolaire dans la province de Québec.* Suivie d'appendices documentaires. Québec: l'Action Sociale. 1919. Pp. 120.

A pamphlet by the inspector-general of Catholic schools for the province of Quebec, in which are republished a number of articles dealing with the educational situation in Quebec. M. Magnan is opposed to compulsory education.


Reviewed on page 223.


An account of the "Forward Movement" of the five chief Protestant churches in Canada.