

“dealing with civil and criminal cases according to the laws of England”, with an appeal to the Privy Council. Under the Quebec Act of 1774, passed with the purpose of conciliating the new colonies at a time when the old colonies were falling away from their allegiance, the use of the old French civil law was resumed, while English criminal law continued to govern throughout the Province of Quebec, which was now extended to the banks of the Ohio and the Mississippi. These boundaries were, however, abandoned at the Treaty of Versailles, 1783, when the Great Lakes became the dividing line. The influx of the United Empire Loyalists, English-speaking people accustomed to English laws, brought about the division of the colony and the establishment of representative institutions. The Constitutional Act was passed in 1791, dividing the Canada of those days (the St. Lawrence valley) into two provinces, establishing in each province a nominated Legislative Council and an elective Legislative Assembly. Under this Act, upon which the government of Canada was based throughout half a century, “the Executive was (through Crown revenue and military grants from the Home Government) financially, and worse still, constitutionally independent, and the House of Assembly, in seeking vaguely to cure a disease which it had not in reality diagnosed, frequently overstepped its sphere, with the result that it was dissolved time after time”.—Lefroy, *Constitutional Law of Canada*, pp. 20-21.

The Constitutional Act was at first accepted as an improvement on the previously existing method of Government, but, as time went on, the increasing population and wealth of the provinces, combined with the narrow and selfish policy of the privileged few, led to frequent clashes between the Executive and the Assembly, complicated in Lower Canada by the difference of races. In 1837, a rebellion in each province, though speedily stamped out, led to the appointment of Lord Durham by the Home Government as a special commissioner clothed with more extensive powers than had ever before been held by a representative of the Crown in British North America; he was Governor-in-Chief of the five provinces of Upper Canada, Lower Canada, New Brunswick, Nova Scotia and Prince Edward Island, High Commissioner for the adjustment of certain important questions respecting the form of and the future government of Upper and Lower Canada, and High Commissioner and Governor General of all the provinces on the continent, and of Prince Edward Island and Newfoundland.

The famous report made by Lord Durham to Parliament is almost universally regarded as the greatest political document in Canada's history. He saw clearly the necessity of re-establishing harmony between the executive and the legislative branches of government by making the former, as in Great Britain, responsible to the latter. He insisted also upon the desirability of establishing a free democratic system of municipal government, by participation in which citizens would secure a training that would be of use in fitting them for the wider duties of public life. Upper and Lower Canada were to be united under a single Parliament, and in the Act provision was to be made for the voluntary admission to the union of the other British North American provinces.

While Lord Durham was disavowed by the Home Government, his report formed the basis of the Act of Union of 1841, which united Upper and Lower Canada under a single Parliament, in which each province was equally represented. This equality of representation, applied to provinces of differing races, religions and institutions, finally became unworkable; deadlock became the parent of Confedera-