



## History of Law in Quebec

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### Language

English is not an official language in Quebec law. The British North America Act (now known as the Constitution Act of 1867) required that both English and French be available for the courts and the National Assembly, and that the books and records of the Assembly be available in both languages. Online translation tools are designed for modern-day individuals, and frequently mistranslate older words, especially when dealing with technical language such as the law. It is best to translate using a dictionary of the period in which you are researching.

### Timeline

#### *Pre-1663*

Several companies were in charge of the settlements at Quebec prior to 1663. In 1612 it was the Compagnie de Rouen. They were replaced in 1621 by the Compagnie de Montmorency. In 1627 the Compagnie des Cent-Associés. They introduced the Coutume de Paris for civil law and the seigneurial system of land tenure in the colony. Through their tenure, the governor had total legal authority over the colony.

The first courts were created in 1639. In 1647 the Conseil de Québec, consisting of three members, was formed to safeguard the rights and privileges of the small colony at Montréal were protected. The following year the Conseil was increased to five members.

## 1663–1763

In 1663 New France became a royal province and many changes were introduced. After fifty years of mismanagement by the companies, the crown was determined to make New France successful. A new council, called the Conseil Souverain, was created. It was composed of nine members.

In France, different areas had their own legal systems. The crown decreed that New France would follow the Coutume de Paris for Civil Law. A few years later, in 1670, the Ordonnance de 1670 was put in place, codifying the rules for criminal justice. These would become known as the Code Louis.



The Conseil Souverain served both legislative and judicial functions. It was responsible for setting up the court system in New France. The intendant, who served on the conseil, came to control the judicial functions. The Conseil Souverain itself was the highest court. In 1703 the name was changed to the Conseil Superieur.

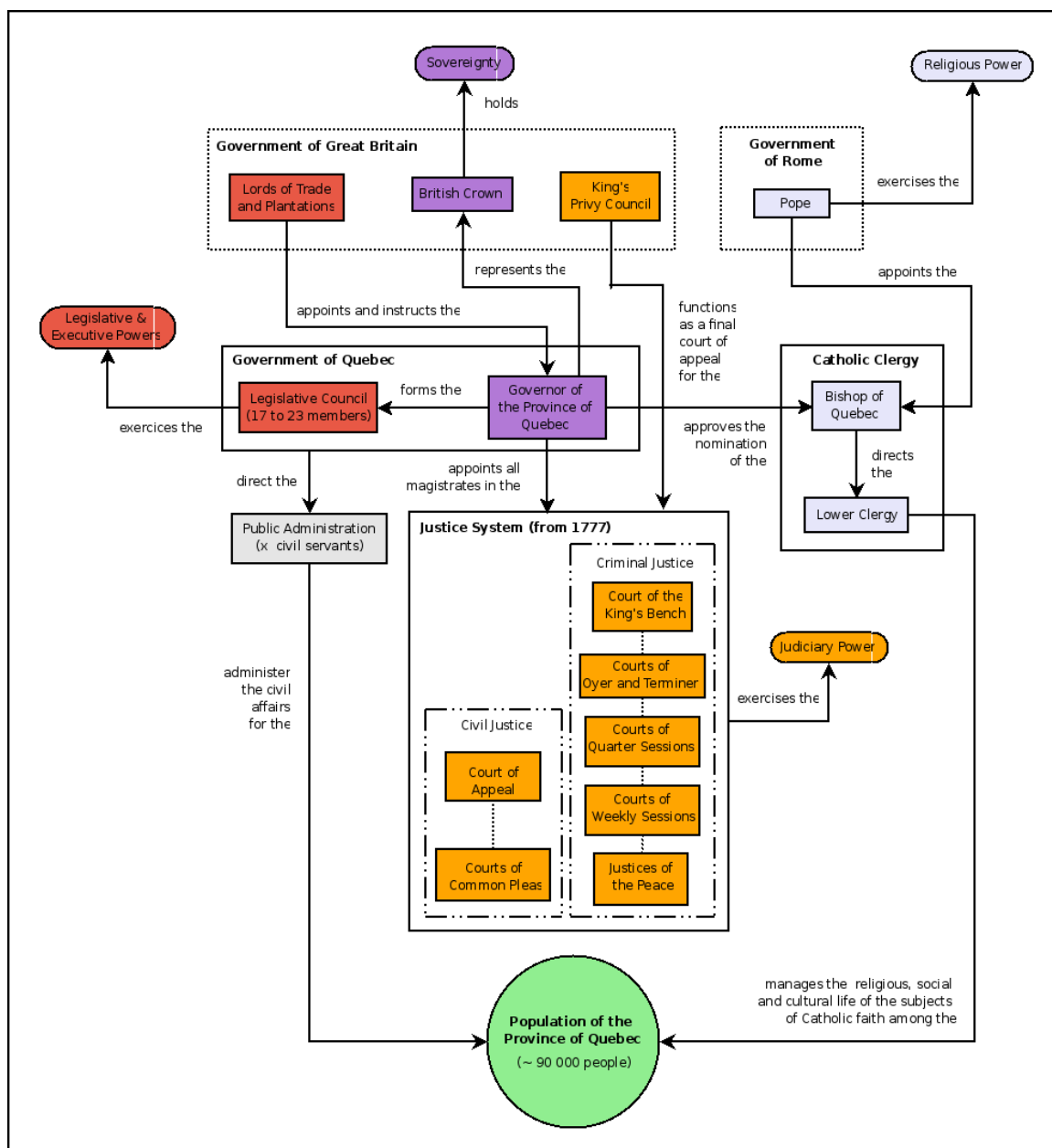
In June 1755 Britain took control of the territory in Acadia. The Seven Years' War started the following year. Quebec City surrendered to the British after their defeat at the Battle of the Plains of Abraham in September 1759. Montreal surrendered in 1760 and when the Treaty of Paris was signed in 1763, the colony at Quebec was officially transferred from France to Great Britain.

## 1763–1866

The transition to British rule over Quebec started during a difficult time in the history of British North America. There was already great unrest in the thirteen colonies that would brew into their total rebellion a decade later. The Quebec Act (also known as the British North America Act of 1774) set the governing procedures for that colony.

The government would now be led by a Crown-appointed governor with an appointed legislative council. The seigneurial system would continue in areas where it already existed, new areas would be set up in townships. Civil law would continue to follow the Coutume de Paris, but situations involving public law (between individuals and the government), criminal law, and the freedom of testation (the ability of individuals to name their own heirs) would follow English custom.

The Constitutional Act of 1791 created the provinces of Upper Canada and Lower Canada, creating an elected assembly for the first time. The Act of Union in 1840 joined Upper and Lower Canada into a single province, becoming Canada West and Canada East, with a single legislative body. This would remain unchanged until Confederation.



The chart above illustrates the government after the Quebec Act ([https://en.wikipedia.org/wiki/Quebec\\_Act](https://en.wikipedia.org/wiki/Quebec_Act)).

### 1866–1980

In 1867 the British North America Act (also called the Constitution Act of 1867) created a union of four provinces: New Brunswick, Nova Scotia, Ontario (formerly Canada West) and Quebec (formerly Canada East) into the Dominion of Canada. Quebec regained its own legislative assembly.

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