

6-7 EDWARD VII., A. 1907

It has been represented that poor people cannot afford to attend as Jurors on civil causes—Let them be paid and they will cheerfully serve—'tis but reasonable that the contending partys should pay.

I have taken the liberty to trouble you with this letter at the desire of my friend Governor Skene.¹

I have the honor to be Sir

Your most obedient and very humble
Servant

Evan Nepean Esq^r
(original)

HUGH FINLAY

PETITION FOR HOUSE OF ASSEMBLY.²

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of Your Majesty's Ancient and New Subjects Inhabitants of the Province of Quebec.

MAY IT PLEASE YOUR MAJESTY.

AFTER the Conquest of the Province of Canada by the Arms of Great Britain, Your Petitioners in compliance with Your Majesty's gracious and

¹ Philip Skene, 1725-1810. He served in America under Howe, Amherst, and Albemarle, 1756-9. Received a large land grant on Lake Champlain, and founded the town of Skenesborough. Was named Governor of Crown Point and Ticonderoga. Served with Burgoyne and returned to England after the Revolutionary War. See Appleton's Encyclopedia of American Biography.

² Canadian Archives. Q 24-1, p. 1. Given also in Q 27-1, p. 431. The first form of this petition was drawn up and dated 30th September, 1783, and is given in Canadian Archives, C.O. 42, vol. 15, p. 29. This was the petition from the ancient subjects only, which Mr. Wm. Dummer Powell, at that time a lawyer in Montreal, took over to Britain. His arrival with the petition is referred to in a letter of Sydney to Haldimand, dated 8th April, 1784. Sydney indicates his unwillingness to make any concession to those in favour of changes in the administration of Canada. See B. 45, p. 131. It is interesting to compare the earlier form of the petition with that of the following year, given here. There is omitted in the latter, for instance, the following interesting paragraph with reference to the temporary nature of the policy which dictated the Quebec Act and the other measures of the session of 1774 on the eve of the American Revolution. "Your Petitioners wish to forget, they forbear to animadvert upon the Constitution and the Government they have lived under since the passing of the Quebec Bill, whatever Reasons or Policy of State, whatever Idea of necessity at that critical Period might have pressed upon this People such an Act and Government so contrary to the growth, the Welfare and the Interest of a commercial state, so adverse to the Liberty of Your Majesty's Subjects in Quebec, so repugnant to the Royal assurances of a limited and mixed Government, whatever such Necessities or Reasons of state might then have been, your Petitioners presume they can now no longer have Existence to support that Act nor that any Consideration adverse to the true Principles of the English Constitution will prevail with Your Majesty to withhold from Your Petitioners and Your Subjects of this Province that Government, that Liberty, Safety and Comfort, that infinite source of Prosperity and Happiness which, under Your Majesty's Royal Word, have been the Means to induce their Residence in the Province of Quebec. Your Petitioners approach Your Majesty with the utmost respect, loyalty and attachment to intreat from the Crown and the Parliament of Great Britain a Repeal of the Quebec Act and the Establishment of a Government formed to move and exist upon the Principles which have raised and do support the English Constitution." Evidently it was recognized that the memory of that which was desirable to forget, should not be too conspicuously refreshed. Another feature which was dropped from the 12th recommendation in the first form of the petition, was the somewhat strenuously worded prayer that "With the utmost fervency Your Petitioners implore that Your Majesty will be Graciously pleased to appoint to the Court, and place on the Seats of Justice, Men of jurisprudent Learning." This had reference to the fact that the judges of the province, at that time, were none of them men trained in the Law, but were more noted as the political confidants and advisers of the Governor, by whom they were appointed and supported, and for whom they controlled a majority in the Council. The wise omission of all such references from the final form of the petition did not, however, prevent the public outbreak during the next few years of strong arraignments of the administration of justice on both legal and political grounds. The 14th Article of the final petition was added to meet the new situation resulting from the recognition of the independence to the late colonies.