

## PREFACE TO SECOND EDITION

In issuing the second edition of the Constitutional Documents, 1759-1791, it has been found necessary to divide the volume into two parts. This is owing partly to the additional documents included, but chiefly to the improved form in which it is printed. While the original plan of the work, as indicated in the introduction, has not been departed from, a few additional documents and some extensions of the notes have been found desirable.

A few documents, not available at the time of printing the first edition have since been discovered. Among these the most important are the Report of the Board of Trade of September 2nd, 1765 (p. 237) and the Discussion of Petitions and counter-Petitions *re* Change of Government in Canada (p. 970), referred to in the despatch of Grenville to Dorchester of 20th October, 1789 (p. 969). Since the first part of this edition was printed, the full text of Lord Thurlow's report has been discovered in the Archives of the Court House of Montreal. While it is to be regretted that it was not discovered in time to be included in this issue, it may be observed that the abridgment of it which is given (p. 437), as taken from Christie's History of Lower Canada, contains nearly all that is essential in Thurlow's argument. The portions omitted are chiefly summaries of the earlier documents submitted to the Law Officers as the basis for their report, and which are reproduced in full in the earlier portion of this work. In the latter part of the report, certain portions of Thurlow's argument were omitted by Christie, but the most important sections are given in full. In any case, the full text may now be consulted, either at the Court House, Montreal, or at the Archives in Ottawa.

Among the new documents introduced is the Draught of an Ordinance for establishing Courts of Justice in the Province of Quebec, 1775. This is given as indicating "His Majesty's Gracious Intentions with respect to the plan of Judicature that is to be established." It is of special interest, with reference to the policy of the Quebec Act, on the one hand, and, on the other, the actual line of development in the administration of justice after the Quebec Act. The Commissions for a Court of Appeals and for a Court of Civil Jurisdiction, in 1776, which serve to fill the gap in the administration of justice during the invasion of Canada, are also new documents.

The rather important constitutional issues involved in the dismissal of Chief Justice Livius having been dealt with in the first edition chiefly in extensive foot-notes, it was deemed advisable to give in full the Report of the Committee of Council to which was referred the whole case. This is given at p. 698. Growing out of this situation was the action taken by Governor Haldimand in withholding from the Council certain articles of