

Laws, Statutes and Ordinances are not to be repugnant to, but, as near as may be agreeable to the Laws and Statutes of this Kingdom; and until the Situation of the Province should admit of calling an Assembly, he is, with the Advice of the Council, to make from time to time such rules and regulations, as shall appear to be necessary for the peace, order and good Government of the Province; taking care, that such rules and regulations shall not extend to affect the life, limb, or liberty of the Subject, or to the imposing any Duties, or Taxes.

Fifthly. To establish such and so many courts of Judicature and public Justice, as shall appear to be necessary, and to constitute and appoint Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers.

These are all the directions and authorities, which seem necessary for the present purpose to be recited; the rest of the powers contained in the Commission are the same, as are usually given to the Governors of other Colonies; but as it is material to observe, that the Letters Patent direct, that he shall execute his command according to the powers and directions contained therein, and in the Instructions which accompanied them, or "according to such further Powers or Instructions, as may be hereafter given to him under His Majesty's Signet or sign Manual, or by Order in Council, and conformable to such reasonable Laws and Statutes, as shall be made and agreed upon by him with the advice and consent of the said Council and Assembly."¹

On the seventh of October 1763 His Majesty's Proclamation² was published, declaring the limits and extent of the four new Governments of Quebec, East Florida, West Florida, and Grenada, reciting the powers, given to the Governors by their Commissions under the Great Seal, of Summoning Assemblies, and of passing Laws with the advice and consent of the said Councils and Assemblies; and containing His Majesty's Royal Assurance, that, in the mean time, and until such Assemblies could be called, all persons inhabiting in, or resorting to the said colonies might confide in His Majesty's Royal Protection for the enjoyment of the benefit of the Laws of England.

By these Constitutions the form of Government established in this Colony by the Crown of France, and adopted with some Variations after the conquest of it, though not entirely abolished, as some persons have contended, was yet, in many parts of it, materially altered, and made to correspond with that form of Government, which has been established in His Majesty's other American Colonies. The having a complete Legislature competent to those regulations, which a Colony under such Circumstances must necessarily require, appears to have been one of the first Objects; and there can be no doubt, but that His Majesty's Commission and Proclamation, in the provision they make for this purpose, had in view

¹ See p. 182.

² See p. 163.