

SESSIONAL PAPER No. 18

By this Instruction it appears, that the Governor is impowered to proceed upon Business (Acts of Legislation only excepted) with a Board of five Councillors, if more do not attend his Summons; but it does not, as we conceive, delegate Authority to him to select and appoint any such persons by name, as he shall think fit to make a Quorum or extend to excuse him from calling into Council all such thereunto belonging, as are within convenient distance from the place of meeting.

In this sense of your Majesty's Instruction we humbly recommend it to your Majesty to direct a second additional Instruction to your Governor, which by enjoying a discontinuance of the mode, hitherto pursued, of nominating and appointing what has been termed a Privy Council, may, by an explanation of the second Article of your Majesty's General Instructions, confirm to the Council at large the Trusts, Powers, & Privileges intended to be repared & vested in them by your Majesty's said General Instructions.¹

This being submitted, it is our duty to lay before your Majesty the proceeding, to which the Chief Justice's Motion refers; and we find in the Minutes of Council of the 8th of August 1776, that the Governor, with the Lieut. Governor, Hugh Finlay, Thomas Dunn, John Collins, and Adam Mabane, being the only Members present, appointed the said five Members a Board of Privy Council, and ordered "That they examine & report upon the provincial accounts down to the first of May last, the Military contingent Accounts for the defence of the Province to the time of discharging the Militia of the City of Quebec; the Indian Contingent Accounts, including the Bills drawn at Oswegatche, Niagara, Detroit, and Michillimackinac, and all other accounts, which may be laid before them by his Excellency's Orders."

"That they inquire into the State of the Province with regard to the Provisions both in wheat and live stock, which it is capable of furnishing to His Majesty's Troops over and above the consumption of the Inhabitants and that they forthwith give their opinion to his Excellency upon the propriety of stopping the Exportation of those articles.

"That they take into consideration the Fees of the different Offices, & of the Attornies of the different Courts of Justice in the Province and cause a List thereof to be made out, and laid before his Excellency.

"That they also take into consideration the regulations of the Police of the Province, and cause commissions to be prepared for constituting an inferior criminal Jurisdiction in the respective Districts of Quebec and Montreal."

"That the Lieutenant Governor may cause any other member or members of the Council to be summoned to assist at the Board, whenever he shall think it necessary to consider of any matters regarding the tranquillity and good Order of the Province."

¹ The additional Instruction here recommended was duly issued 29th March, 1779, and follows this document. See p. 704.

² Minutes of Privy Council, Quebec, vol. D., p. 1.