

## SESSIONAL PAPER No. 18

"limitations and restrictions, to your Majesty in your privy council."<sup>1</sup>

The sense in which this proclamation has been understood by the British inhabitants of this province;

These are the words of your Majesty's said proclamation, and by them your Majesty's British subjects in this province declare that they have always understood that the laws of England have been introduced into this province, and that it was your Majesty's intention to assimilate the laws and civil government of it to those of the other American colonies and provinces which are under your Majesty's immediate government, and not to continue the municipal laws and customs by which the conquered people had heretofore been governed. And through a confidence in this proclamation, understood in this sense, they say they have quitted their native country to come and settle in this province, expecting to change only their climate by such a removal in pursuit of commercial advantages, and not to become subject to the laws of the conquered people, with which they are wholly unacquainted, and against which (though perhaps without reason) they entertain strong prejudices.

and by his Majesty's late governour and council;

And in this sense was this proclamation understood also by your Majesty's late governour of this province and his council, who did not, in making the important ordinance above mentioned, of the 17th of September 1764, conceive themselves to be overturning all the ancient laws and customs of this country, and introducing the laws of England in their stead, but meant only to erect and constitute courts of judicature to administer a system of laws already in being, to wit, the laws of England, which they conceived to have been already introduced there by the words of your Majesty's proclamation. And in this sense likewise your Majesty's lords commissioners for trade and plantations, in the month of September 1765,<sup>2</sup> understood these words in your Majesty's proclamation: for in the 7th and last article of a report made by the said lords commissioners, upon certain memorials and petitions from your Majesty's subjects in this province, complaining of the ordinances and proceedings of the governour and council of this province, and of the then present establishment of courts of judicature and other civil constitutions, to the lords of the committee of your Majesty's privy council for plantation affairs, dated on the 2d day of September in the said year, the said lords commissioners of trade propose, *that in all cases where rights or claims are founded on events prior to the conquest of Canada, the several courts shall be*

and the lords commissioners for trade and plantations in September, 1765.

<sup>1</sup> On comparing the passages within quotation marks with the Proclamation itself, it will be found that though the sense is preserved the letter is very considerably altered; the address is changed from the first to the second person, and certain formal clauses are either omitted or abridged.

<sup>2</sup> The Report of 2nd Sept. 1765, p. 237; discussed in Report of Yorke and de Grey p. 251.