

SESSIONAL PAPER No. 18

The ordinances lately made by the Governor and Council, in aid of the French Law, have contributed to increase the General dissatisfaction. This Council, when only twelve members were present,¹ and each of them bound by an Oath of Secrecy, proceeded to make laws without requiring the least Information, and with the most Total disregard of an Application from the Merchants who peti[tion]ed, upon Grounds of general utility, that they might not be deprived of the Mercantile Laws of England.²

The Ordinances furnish further matter of Complaint because of the ambiguous terms in which they are expressed, of the indefinite Power which they give to the Judges, and of the Prejudice which prevails in them, without exception, in favor of the Laws of Canada, whose forms are tedious, expensive and unnecessary. In particular the ordinance regulating the Indian Trade,³ without yielding any revenue or advantage whatever to Government, subjects the Trader to insuperable Difficulties, for the pass he obtains is upon Conditions frequently out of his Power to comply with, and his whole Property is in consequence liable to confiscation, by the civil or seizure by the military power, upon an information laid against him by any person tempted by a prospect of the reward. Nor though the information be false, is there any provision to redress the Trader, though he may be equally ruined by the Expence, and the delay of his Journey in the proper Season. These difficulties are so alarming that though this Trade is by far the most considerable in the Province since the commencement of the Present Rebellion, whenever the communication from Albany shall be open a great part of it will be carried on from the Province of New York, notwithstanding the situation of Canada be in all respects more convenient.

We beg leave to assure your Lordship that these causes originating chiefly from the Quebec act, have concurred to spread a general discontent throughout the Province, without any advantage to the present state, and so far as to alienate the affections of his Majesties subjects as to give great reason to apprehend a disposition in them to change their present form of Government, should such an Opportunity unhappily offer.

We therefore humbly entreat your Lordship to take into your consideration the dangerous, and confused situation of this Colony, and grant us your Patronage and assistance in endeavouring to obtain a repeal of the Quebec Act, the Source of these grievances and an Establishment, in its stead, of a free Government by an assembly or Representation of the People, agreeable to His Majesty's Royal Promise contained in the Proclamation made in the year 1763. This measure alone, which we are firmly persuaded

¹ Four members of the Council had been captured and were prisoners in the colonies. See Q 12, p. 172. Some of the others were absent, and one or two had died. In Carleton's letter to Germain, of June 27th, 1777, he stated that, having found a sufficient number of Councillors in the Province to proceed upon the business of legislation, he had not nominated any others.

² See note to Plan for a Chamber of Commerce p. 692.

³ Being No. 7 in the list given on p. 678. This is given in full in "Ordinances made and passed by the Governor and Legislative Council of the Province of Quebec. And now in Force in the Province of Lower Canada. Quebec, 1795." p. 9. Also given in the recently reprinted Ordinances by the Public Archives, 1917, p. 65. The portion more particularly complained of is section V, which required every trader among the western Indians to have a pass, in default of which he is subject to a penalty of £50. Conviction may be secured on the testimony of one credible witness, other than the informer who is to receive one-half the penalty.