

6-7 EDWARD VII., A. 1907

This is, as we conceive, a faithful representation of the present state of the laws in this province, and of the public instruments and acts of government upon which it is founded. We now beg leave to lay before your Majesty certain doubts that have arisen, and may arise, concerning the validity of those instruments, and the extent of their legal operation.

Remarks on
some of the
foregoing
instruments.

We shall say nothing concerning the validity of your Majesty's proclamation of the 7th of October 1763, and the high legislative authority which your Majesty has therein thought proper to exercise with respect to your Majesty's new colonies, though there are persons who think that this branch of your Majesty's royal prerogative ought rather to have been exercised in conjunction with both houses of parliament: but we should suppose that what your Majesty has thought fit to do in this respect by the advice of your Majesty's privy council must be legal, and consequently that the operation of the words above cited from your Majesty's said proclamation is complete and incontestable so far as the true meaning of them can be ascertained. But if your Majesty in your royal wisdom should interpret them in a different sense from that in which they have been generally understood, and should declare that they were not meant to introduce the whole body of the laws of England that were not in their nature local, but only to introduce some particular parts of them that were more immediately beneficial to your Majesty's subjects, agreeably to the sense in which they were understood by your Majesty's attorney and solicitor general in April 1766;¹ or, if your Majesty should declare that they were not meant to introduce immediately any part of the laws of England into those provinces, but only to promise and assure your Majesty's British subjects that your Majesty would, in due time and place, and by particular and express promulgations, introduce some select parts of the laws of England that were more immediately conducive to their welfare and satisfaction; in either of these cases we beg leave to submit it to your Majesty's consideration, whether the ordinances above-mentioned, of the 17th of September and the 6th of November, can be deemed of sufficient validity to introduce any part of the laws of England that were not already established by your Majesty's said proclamation. Our reasons for doubting this are as follows:

By the King's
commission
to the gover-
nour a certain
degree of

Your Majesty by your commission to General Murray, dated the 21st day of November in the 4th year of your Majesty's reign, to be governour in chief of this province, was pleased

¹ Referring to the report of Yorke and de Grey. See p. 251.