

"The Lords of the Committee having this day taken into their consideration a Draught of Instructions prepared by the Board of Trade for establishing courts of Judicature in the Province of Quebec and transmitted to this Committee on the 24<sup>th</sup> June 1766.<sup>1</sup> Their Lordships upon full consideration of the s<sup>d</sup> Draught of Instructions, are of Opinion that the same is so general, and so unsupported by any specific or particular proof of any Grievances in Judicature, to which any particular and effectual Reform or Remedy can be applied (except what has already been given) and especially as since the return of Genl. Murray, no Gov<sup>r</sup> or locum tenens, or any of your Maty's law officers, have represented in their correspondence Gravamens arising to the subjects in the Province from any defects in the state of Judicature as it at present exists (which had any material ones existed it was their Duty to do, and they certainly would have done) except a Paragraph in a Letter from Col. Irving, dated 20<sup>th</sup> Augt. 1766.<sup>2</sup> Vizt, "all that to me seems wanting at present is a permanency to the inferior Courts and a more ample authority for the Judges of it to adhere to the Coutumes de Pais a defect if it subsists, so concisely & unexplicitly stated is not to be understood so as to found a Judgement of the Remedy to be applied, that the Lords of the committee cannot without further Information, advise your Majesty to approve thereof, and order the same to be carried into execution.—But as their Lordships are truly sensible of your Majesty's Royal constitutional and paternal Regard for all and every part of Your Majestys Dominions and Your Subjects inhabiting therein, the Committee do after the most serious & mature deliberation on the subject referred by your Majesty to them for their advice thereupon, submit as their humble advice to your Maty. That in order to amend any defects in the present State of Judicature in the Province of Quebec (if any such subsists) it is proper and absolutely necessary after a competent experience now had of the State of the Province so particularly composed of English and Canadian Subjects, and of the Judicature and administration of Justice now subsisting, to obtain from Your Majesty's Servants there, on whose information alone your Majesty's Servants (there, on whose information alone your Majesty's Servants\*) in this Kingdom can rely with any reasonable degree of confidence, precise, solemn & authentic Information of the Defects if any that are now existing, together with the Remedies, Reforms, Additions, or Alterations which they would propose for your Majesty's Royal consideration, that so your Majesty's Servants here may be enabled to advise your Majesty on the best Light that can be obtained, it being, as the Lords of the Committee conceive, unwise

<sup>1</sup> The letter from the Board of Trade transmitting this draught is given in *Can. Archives*, Q 3, p. 171, but the instructions do not accompany it. According to the letter the instructions require the Governor to establish courts of justice "conformable to the Plan proposed by us in our Report to your Lordships of the 2<sup>nd</sup> September 1765, with such Variations as are suggested in the Report of the Attorney and Solicitor General, annexed to your Lordships Order of the 13<sup>th</sup> of last month." For the Report of Sept. 2<sup>nd</sup> see p. 237. For the Report of the Attorney and Solicitor General, see p. 251.

<sup>2</sup> See p. 269.

\*The words in parenthesis seem to be a repetition.