

Florida; and Grenada. For the purpose of shewing clearly the views of His Majesty with respect to the form of Government intended by him to be established in those Territories, it would be proper to refer to the Proclamation itself, which contains the following passage:—

"And whereas it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberty and properties of those who are and shall become inhabitants thereof, we have thought fit to publish and declare by this our proclamation that we have, in the letters patent under our Great Seal of Great Britain, by which the said governments are constituted, given express power and direction to our Governors of our said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the advice and consent of the members of our Council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those Colonies and Provinces in America which are under our immediate government; and we have also given power to the said Governors, with the consent of our said Councils and the Representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances for the public peace, welfare, and good government of our said Colonies, and of the people and inhabitants thereof as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other Colonies; and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to our said Colonies, may confide in our royal protection for the enjoyment of the benefit of our laws of our realm of England: for which purpose we have given power under our Great Seal to the Governors of our said Colonies respectively, to erect and constitute, with the advice of our said Council respectively, Courts of Judicature and public justice within our said Colonies, for the hearing and determining of causes, as well criminal as civil, according to law and equity, and as near as may be agreeable to the laws of England, (with liberty to all persons who may think themselves aggrieved by the sentence of such Courts, in all civil causes, to appeal, under the usual limitations

and restrictions, to us in our Privy Council."

Here then was the root from which sprung our present constitution. In the above extract it will be observed that in the Patent constituting the Government of Quebec, allusion is made to "a Council," and that the Governor, with the advice of such Council, might summon and call a General Assembly, "*in such manner and form as is used and directed in those Colonies and Provinces in America which are under our immediate government.*" Now it would scarcely be contended that the Council thus created by the King, could be responsible to any other power than himself. There was not at that time, nor for years afterwards, any representative body in the Colony; and it might be further remarked, that had an assembly been convened in pursuance of the power contained in the proclamation, it (the assembly) was to be constituted as in the "*other Colonies and Provinces in America,*" and it does not appear that it was to be clothed with greater powers than they possessed. No assembly however was ever called under the authority of the proclamation, and Canada continued to be governed by a military officer, assisted by a Council, until the year 1774. For eleven years an Executive Council did exist clearly and positively irresponsible to any power but the Crown, and possessed too of powers greatly transcending those of the present Council, for it appears by the 4th section of the Act 14th Geo. 3d, ch. 83, that with the Governor it had power to *enact laws* by which the inhabitants of the Colony were bound. This Act, the 14th Geo. 3d, was the first passed by the British Parliament giving a settled form of government to Canada, and in it allusion was made to the existence of a Council, possessing the powers just mentioned. That Act authorized His Majesty to appoint a certain number of persons as Legislative Councillors, who when appointed should hold their offices for life; and ordained that the laws and ordinances passed by them, and assented to by the Governor, on behalf of the King, should supersede all ordinances previously made by the Governor and Executive Council. The Executive was not however done away with; on the contrary it continued to exist to advise the Governor; and by an ordinance passed in the year 1785—by the Legislative Council and Governor, it was constituted a Court of Appeal as in the old Colonies, which ordinance is recognized and confirmed by our Constitutional

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