

SESSIONAL PAPER No. 18

DARTMOUTH TO CARLETON.¹WHITEHALL 10th Dec^r 1774

GOVERNOR CARLETON

SIR,

I have received your Dispatch of the 23^d of Sept^r acquainting me with your Arrival at Quebec. and that you found His Majesty's Canadian Subjects impressed with a just Sense of His Majestys Goodness to them, and highly satisfied and pleased with the Regulations adopted for the future Government of the Colony—

As you are silent as to the Sentiments of His Majesty's Natural born Subjects in Canada respecting the late Act, I am not at liberty to conclude that they entertain the same opinion of it, but the King trusts that when the Provisions of it have taken place and His Majesty's gracious Intentions with respect to the Plan of Judicature² that is to be established are well known, prejudices which popular Clamour has excited, will cease, and that His Majesty's Subjects of every description will see and be convinced of the Equity and good Policy of the Bill.

It will be your Care, Sir, at the same time you express to the King's new adopted Subjects His Majesty's gracious approbation of the Affection and Respect they have shewn for His Government, to endeavour by every Argument which your own good sense will suggest to you, to persuade the natural born subjects of the justice & propriety of the present form of Government and of the attention that has been shewn to their Interests not only in the adoption of the English Laws, as far as it was consistent with what was due to the just Claims and moderate Wishes of the Canadians, but in the opening to the British Merchant, by an Extension of the Province, so many new Channels of important Commerce.

You will have seen, by the public Prints, that Mr. Hey has been elected for Sandwich in the new Parliament and will naturally conclude that he has no Intention of returning to Quebec ; but I have the Satisfaction to

¹ Canadian Archives, Q 10, p. 125.

² It was intended to furnish an ordinance for the establishment of courts in Canada and send it out to be enacted by the Council. Two plans were proposed, as we learn from a paragraph in Under Secretary Pownall's note to Lord Dartmouth of July 17th, 1774. "I have also conversed with Mr. Hey on the Plan of judicature for Quebec he thinks my plan will do as well as his I am convinced his ought to be preferred; we both agree that anything that falls short of, goes beyond, or halts between either will be improper." M 385, p. 425. Of these only the one by Hey appears to have been actually drawn out, as we learn from Hey's letter to Dartmouth. "My Lord—I did myself the honour to call at your Lordships house with the draught of an Ordinance for establishing Courts of Justice at Quebec, and thro'out the Province, which I most sincerely wish may have the good fortune to be better thought of by your Lordship than I will freely confess it is by the author of it—without any affectation of modesty which appears to me as bad as any other sort of affectation, I must own it is a work beyond my abilities & somehow or other I have had the ill luck to have had very little assistance in it except from Mr. Jackson indeed not any. & He is at present much taken up with the business of the Court of Chancery." M 385, p. 490. The draught of an ordinance here referred to, is the one given in the same volume, at p. 373, and endorsed, "Epitome of a proposed Ordinance for establishing Courts of Justice in the Province of Quebec." The complete ordinance as drawn is given below, p. 637.