

SESSIONAL PAPER No. 18

be imparted to them: By a Communication of these Instructions, particularly the 10th, 11th, 12th and 13th your Majesty's Gracious ends and designs in the constitution proposed for the Province of Quebec, and the effectual Security to personal liberty, held forth to all men under the Common Law of this Realm, would have been fully manifested; neither do we see how the said Council, empowered as they are by Act of Parliament to all purposes of Legislation jointly with the Governor, could, without this communication be so well instructed either in their own duty, or in your Majesty's gracious Will and Pleasure, as to what might be fitting to be provided for by Law within the Province agreeable to the Act of Parliament, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America."

Wherefore lest your Majesty's present Governor should not in due time advert to this part of his duty; and lest a constitution, calculated to promote the welfare and happiness of your Majesty's Subjects there, and adapted to the peculiar circumstances of that province, should be mistaken or withheld, we are humbly of opinion, that it should be given in Instruction to the governor forthwith to comply with your Majesty's Royal Will and Pleasure signified in the Seventh Article of your Majesty's Instructions above recited, by communicating to the Council such and so many of your Majesty's Instructions, wherein their Advice and consent are made requisite, with such others from time to time, as he should judge for your Majesty's Service to be imparted.¹

We come now to consider the Motion made by the Chief Justice on the 23^d day of April, being the Meeting of Council immediately antecedent to their prorogation, and this Motion stands on the Journal in the following words, viz.

"That Whereas by an Act of Parliament for the making more effectual Provision for the Government of this province, passed in the 14th Year of his present Majesty, It is enacted, That it should be lawful for his Majesty his Heirs or Successors in Manner as therein expressed, to constitute and appoint a Council for the Affairs of the province of Quebec to consist of persons resident there, not exceeding twenty three, nor less than seventeen; That His Excellency The Governor was pleased by an Order of the 8th August 1776 to appoint a Council (calling the same a privy Council) to consist only of five particular persons, in the said Order named, and of such others as the Lieutenant Governor should think proper to send for."

"That by Virtue of the said Order, the five persons in the said Order named repeatedly, in different Affairs of different Natures, have taken upon themselves to act as a Council for the Affairs of the province of Quebec, in Opposition to the said Act of Parliament, and in Exclusion of his Majesty's Council for the Affairs of the province of Quebec, legally constituted and appointed according to the said Act."

¹ The additional Instruction here recommended was duly issued 29th March, 1779, see p. 705.