

SESSIONAL PAPER No. 18

REPORT TO THE LORDS OF THE COMMITTEE FOR PLANTATION  
AFFAIRS, ON SEVERAL PAPERS RELATIVE TO ORDIN-  
ANCES & CONSTITUTIONS MADE BY THE  
GOVERNOR OF QUEBEC.

To the Right Honble the Lords of the Committee of His Majesty's most Honble Privy Council for Plantation Affairs.<sup>1</sup>

MY LORDS,

His Majesty having been pleased by an Order in His Privy Council to direct this B<sup>d</sup> to consider and report to your Lordship's our Opinion upon several Papers, which were humbly laid before His Majesty, relative to the Ordinances and Constitutions made and established by His Majesty's Governor of the Colony of Quebec in consequence of the Powers vested in Him by His Majesty's Commission and Instructions, We have, in Obedience to His Majesty's Commands taken these Papers into our Consideration, but before we enter into a particular Examination of them, and of the Ordinances and Constitutions to which they refer, it may not be improper for the better understanding thereof, to state to your Lordship's, what was the Mode and Form under which the several Governments in Canada were Administered from the Time of the Conquest to the publication of the present Commission, and also what is in general the form of Government approved of and Established, since it has been erected into one entire Colony by the name of Quebec.

Before the Establishment of the present Constitution, His Majesty's new Subjects in Canada, consisting of upwards of 80,000 Inhabitants, professing the Religion of the Romish Church, were entirely under military Government, the civil Government and Courts of Justice, which existed under the French Dominion were laid aside, & Justice was administered by Courts consisting of military Officers, which His Majesty's Governors had established by their own Authority for the Trial and Decision of all Matters of a civil as well as criminal Nature & which Establishments are stated to have been approved by one of His Majesty's Secretary's of State; but whether these military Courts were governed in their proceedings by the Laws of England, or by the Laws and Customs that subsisted in Canada before the Conquest, or by what other Rules, does not appear from any Papers before us.

By the Form of Government now established the civil Constitution of Quebec, like all other Colonies under His Majesty's immediate Government, and which do not depend upon particular Charters, arises out of, and is regulated by His Majesty's Commission & Instructions to His Governor, by which Commission and Instructions the Governor is authorized to appoint a Council, consisting of the Officers of Government, (who by their Offices are usually Members of the Councils in other Colonies)

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<sup>1</sup> Canadian Archives; Q. 56 p. 83; also Q. 18 A p. 131.