

SESSIONAL PAPER No. 18

points we have considered, as to make it unnecessary for us to add any further observations of our own.

From these Letters, and from what has been said, it is evident, That the Colony of Quebec is in the greatest disorder and confusion, and that the authority of the Governor and Council, as limited by the Commission and Instructions, is in no respect competent to those regulations, which either the present state of it does, or the future progress of it may require; and as it appears to us, that there is no Method of curing these disorders, and giving effect and Stability to Government, but by establishing a competent legislative Authority, conformable to the Royal Assurances contained in the Commission and Proclamation; we are therefore of opinion, that it is necessary in the present State of Quebec, that a complete Legislature should be established; and that it would be advisable for the present to adopt not only the measure recommended by the Merchants¹ of admitting, under proper regulations and restrictions, a number of His Majesty's new Subjects into the Council and House of Representatives, but also into the Courts of Judicature, and other Offices of Government, by exempting them from the obligation of Subscribing the Declaration against Transubstantiation declared in the Statute of twenty-fifth of Charles the second, conformable to what has been done in the like case in the ceded Islands, and has been found, both upon Antient precedent and late opinions of Law, to be a Matter entirely in His Majesty's Discretion²

Having thus fully answered the first and most material part of your Lordships Order, by which we are directed to report our opinion, whether it may be adviseable for His Majesty to direct an Assembly to be convened, according to what the merchants propose; we shall proceed in the next place to consider, under what regulations and limitations such Assembly should be constituted.

And first, with regard to the Council, which will, under its present form and constitution, as established by His Majesty's Commission, become a branch of the Legislature, whenever a House of Representatives is convened, it only remains for us to advise, That, in order to admit into it a reasonable proportion of His Majesty's New Subjects, the number of the said Council, which is now fixed to twelve persons, should be enlarged to fifteen; That a number of His Majesty's New Roman Catholic Subjects, not exceeding five, should be appointed members thereof, at such times as His Majesty shall think proper; and that they should be exempted from the obligation of subscribing the Declaration against Transubstantiation, which is by His Majesty's Commission and Instructions required to be taken and subscribed by the members of the Council in general.

With regard to the House of Representatives, which (though declared by His Majesty's Royal Commission and Instructions to be a part of the

¹ Referring to the letters mentioned in the first paragraph of this Report.

² See Report of Norton and de Grey, p. 236; also the opinion of Attorney General Yorke *re* the status of French Catholics in the island of Grenada, given in note 1, p. 266