

6-7 EDWARD VII., A. 1907

George R.

[L.S.]

C.O.  
(Quebec 1768-1787  
Vol. 1.)

Additional Instruction to Our Trusty and Welbeloved Frederick Haldimand Esquire, Our Captain General and Governor in Chief in and over Our Province of Quebec in America, or to the Commander in Chief of Our said Province for the Time being. Given at Our Court at St James's the Sixteenth day of July 1779. In the Nineteenth year of Our Reign.

Whereas it is expedient and agreeable to Our Royal Will and Pleasure that Our Subjects Inhabitants of Our Province of Quebec, under your Government, should have, and enjoy every Benefit and Security resulting to them from a speedy and effectual Distribution of Law and Justice, according to the principles of the British Constitution, as far as the same can be adapted to their peculiar Circumstances and Situation. And Whereas according to the practice of the Courts of Civil and Criminal Judicature, as constituted by the Ordinances now in force, the Official Duty of the Chief Justice of Our said Province is confined to Causes of a Criminal Nature only except in Cases of Appeal, where he sits in common with the rest of Our Council. In Consideration hereof, and to prevent (as far as in Us lies) the Frequency of Appeals, It is Our Will and Pleasure and you are hereby strictly enjoined and required, by and with the Advice and Consent of Our Council in their Legislative Capacity assembled to frame an Ordinance to be passed for the purpose of explaining and amending the Ordinances before mentioned by directing and enacting that the Chief Justice shall preside and be made a Member of the Court of Common Pleas, and as such shall sit in the said Court four times in the year at Quebec, & twice in the year at Montreal, at the latter place immediately after, or before the present Circuit Business, as shall be deemed most convenient, that notwithstanding his having given his Opinion in the Court below he shall sit and give his Opinion in the Court of Appeal, that such Court of Appeal shall consist of four persons besides the Chief Justice to be nominated by the Governor or Commander in Chief for the time being from among the Members of Our Council, and approved and confirmed by Us, together with the Judges of the Court of that District from whence the Appeal does not come, the Lieutenant Governor of Our Province not to be one ; That of these persons five to be a Quorum for the Dispatch of Business, the Chief Justice or the Person or one of the Persons officiating in that Capacity always to be one ; And that the said Court of Appeal be confined to examine Errors of Law only taking the Facts, as stated in the Transcript transmitted by the Court where such Cause shall have been determined, & without going into New Evidence, or re-examining the Evidence before taken.<sup>1</sup>

G. R.

<sup>1</sup> A memorandum drawn up by Mr. Livius, without date but evidently while he was in Britain, proposed an amendment to the judicial system of the Province: "In order that impartial & Substantial Justice may be easily attained in Canada by a course of Law, three Points are