

SESSIONAL PAPER No. 18

HILLSBOROUGH TO CARLETON.¹WHITEHALL, March the 6th 1768.

SIR,

I take the Opportunity of writing to you by the first Ship going directly to Quebec, since my Admission into Office, & also to send you Duplicates of my Four former Letters—

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I come now to the Consideration of your Letters N^o 17. 22. & 23.,² in which your Prudence and Judgment, your Care of the King's Service, and your Benevolence to His Subjects, are equally conspicuous to His Majesty.

I had the Honor to serve His Majesty at the Board of Trade. in the year 1763. when His Ma'ty was pleased to publish His Royal Proclamation relative to the new Colonies, and, whatever the legal sense conveyed by the words of that Proclamation may be, of which I pretend not to be a Judge, I certainly know what was the Intention of those who drew the Proclamation, having myself been concerned therein; And I can take upon me to averr, that it never entered into Our Idea to overturn the Laws and Customs of Canada, with regard to Property, but that Justice should be administered agreeably to them, according to the Modes of administering Justice in the Courts or Judicature in this Kingdom, as is the Case in the County of Kent, and many other parts of England, where Gavel-kind Borough-English and several other particular customs prevail, altho' Justice is administered therein according to the Laws of England.

It was most unfortunate for the Colony of Quebec, that weak, ignorant, and interested Men, were sent over to carry the Proclamation into Execution, who expounded it in the most absurd Manner, oppressive and cruel to the last Degree to the Subjects, and entirely contrary to the Royal Intention. The Distance of the Colony, the Difficulties arising from many Circumstances, unnecessary for me to enumerate, and the Differences of Opinion occasioned by various Causes, have prevented, as yet, the necessary Measures from being taken, to correct this original and fatal Mistake; But I trust I shall soon be empowered to signify His Majesty's Pleasure,

¹ Canadian Archives, Q 5-1, p. 344.

Wills, Earl of Hillsborough, and of the Kingdom of Ireland, was appointed the first Secretary of State for the Colonies when that Department was created in 1768. His appointment, as recorded in the Warrant Book, vol. 32, is dated 21st Jan. 1768. From Sept. 9th, 1763, he had been one of the Commissioners for Trade and Plantations. See Calendar of Home Office Papers, 1766-69, p. 422.

In this despatch Hillsborough passes in review the various letters which had been received from Carleton since the former came into office, and as several of these relate to religious and trade matters the review of them is omitted here.

² Letter No. 17 is that of Nov. 21st, 1767, in which Carleton encloses a petition from British merchants in Canada, stating their objections to the complete enforcement in Canada of the English bankruptcy laws. Agreeing with their position, he has suspended the introduction of such laws for the present. See Q 5-1, p. 245.

No. 22, is a letter of Dec. 10th, with enclosures, in response to a request from the Commissioners of the Treasury for information as to the revenue and expenditure of the Province. See Q 5-1, p. 299.

No. 23, is the letter of Carleton to Shelburne of Dec. 24th, see p. 288.