

SESSIONAL PAPER No. 18

A DRAUGHT OF A PROPOSED ACT OF PARLIAMENT
FOR THE BETTER SECURING THE LIBERTIES OF
HIS MAJESTY'S SUBJECTS IN THE PROVINCE OF
QUEBECK IN NORTH AMERICA :—

OR

AN ACT TO EXPLAIN AND AMEND AN ACT PASSED IN THE FOUR-
TEENTH YEAR OF THE REIGN OF HIS PRESENT MAJESTY,
INTITLED, "AN ACT FOR MAKING MORE EFFECTUAL PRO-
"VISION FOR THE GOVERNMENT OF THE PROVINCE OF
"QUEBECK IN NORTH AMERICA."

N.B. Mr. Powis moved for leave to bring in a bill to this
effect in April, 1786.²

The Laws of
England relat-
ing to the writ
of Habeas
*Corpus ad
Subjiciendum*,
and the Pro-
tection of
personal
Liberty, shall
take place in
the Province
of Quebeck,
after the 1st
day of Sep-
tember, 1785.

For the better securing the Liberties of His Majesty's Subjects in the Province of Quebeck in North America, It is HEREBY ENACTED by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, That all the Laws of England relating to the Protection of personal Liberty by and by Virtue of the Writ of *Habeas Corpus ad Subjiciendum*, or otherwise, that were in force in England on the seventh Day of October in the Year of our Lord Christ one thousand, seven hundred, and sixty three, (being the Day of the Date of His Majesty's Royal Proclamation under the Great

¹ Canadian Archives, Q 56-3, p. 618. This bill was introduced into the British House of Commons on April 28th, 1786, and was evidently drawn up about the same time as the petition of Nov. 24th, 1784. It will be observed from the tenor of it that those who framed it had in view the actions of Governor Carleton in dismissing Chief Justice Livius, and of Governor Haldimand in his "short methods with dissenters," as also the opposition of these governors to the introduction of the writ of Habeas Corpus and of trial by jury in civil matters.

² Mr. Powis, or Powys as the name is given in the parliamentary records, was a prominent member of the Opposition, usually co-operating with Fox, Burke, Sheridan, Savile, Courtney and others of that group. He took a special interest in Canadian affairs and, in succession to Sir Geo. Savile, mover of the famous resolution regarding the increasing power of the Crown, was active in pressing upon the attention of the Ministry and the House of Commons, the claims of those of both races in Canada who desired a less autocratic form of Government. The following note will indicate some of his activities in connection with the foregoing petitions: House of Commons; March 30th, 1786. "Mr. Powys having reminded the House, that he had last session of Parliament presented a petition from the principal inhabitants of Quebec, complaining of certain grievances in their legislative authority; it was then thought advisable to postpone the consideration of the subject, as government would undoubtedly remedy the complaint. He was sorry, however, to observe, that during that interval, there had been no appearance of Administration redressing the grievance of the petitioners; he therefore thought it a duty incumbent upon him to give notice, that he would, on the first open day, submit to Parliament a proposition for redress." *The London Chronicle*, Vol. 59, p. 308.

In supporting his motion for leave to bring in this bill, he said it was chiefly intended to enforce the Instructions given to the Governors after the Quebec Act, and also to secure "an emancipation of the Legislative Council from the uncontrollable authority of the Governor, by whom they were liable to be displaced without cause assigned." Mr. Pitt, while considering that some reconstruction of the Government of Quebec might be extremely necessary, yet felt that in view of the very contradictory petitions which the Ministry had received from the Province, it was premature to go into the question until Sir Guy Carleton, who had just been appointed to the Government of the whole of British North America, had reported on the condition of the country. Mr. Fox "professed himself at all times to have been an enemy to the Quebec bill, and a friend to every alteration of it which was proposed." He therefore supported the measure. Mr. Sheridan and others also supported the bill, referring to the extraordinary powers conferred upon Carleton by his new Commission and considering him as scarcely the most likely person to report in favour of diminishing his own authority. After an interesting debate the motion was defeated by 61 to 28. *London Chronicle*, Vol. 59, p. 407.