

SESSIONAL PAPER No. 18

of felons of themselves; and likewise of goods waived, flotson, jetson, ligan, deodands, derelicts, and other casualties upon the sea, or sea coast, or fresh-water rivers, as far as the tide flows; and also of anchorage, lastage, ballast, and fish royal anciently by right or custom belonging to your Majesty; and to arrest or cause to be arrested, according to the civil and maritime laws and ancient customs of your Majesty's court of admiralty, all ships, persons, and merchandizes for causes arising within the maritime jurisdiction, and to hear and determine the said causes, with all the matters incident thereunto, according to the laws and customs aforesaid; and to fine, chastise, and imprison within any of the gaols of the province the parties that shall be found guilty, according to the rights, statutes, laws, ordinances, and customs anciently observed.

By this commission it is evident your Majesty has introduced into this province all the laws of your Majesty's English court of admiralty, in lieu of the French laws and customs by which maritime causes were decided in the time of the French government.

The commission of governor in chief of this province given to Gen. Murray in 1764, and the instructions that accompanied it.

The next public instrument relating to this subject is your Majesty's commission to General Murray in the year 1764 to be captain general and governour in chief in and over this your Majesty's province of Quebec. This commission, and the instructions that accompanied it,¹ seem every where to presuppose that the laws of England were in force in this province, being full of allusions and references to those laws on a variety of different subjects, and do not contain the least intimation of a saving of any part of the laws and customs that prevailed here in the time of the French government.

A probable inference from the stile and purport of the said commission and instructions.

It seems as if your Majesty had been of opinion, that by the refusal of General Amherst to grant to the Canadians the continuance of their ancient laws and usages, and by the reference made in the fourth article of the definitive treaty of peace to the laws of Great Britain, as the measure of the indulgence intended to be shewn them with respect to the exercise of their religion, sufficient notice had been given to the conquered inhabitants of this province, that it was your Majesty's pleasure that they should be governed for the future according to the laws of England, and that they, after being thus apprised of your Majesty's intention, had consented to be so governed, and had testified their said consent by continuing to reside in the country and taking the oath of allegiance to your Majesty, when they might have withdrawn themselves from the province, with all their

¹ See Murray's Commission, p. 173, and Instructions, p. 181.