

with propriety be Considered as Residents of the Province.—In this point of view the Quebec Act, was both just and Politic, tho' unfortunately for the British Empire, it was enacted Ten Years too late—It Requires but Little Penetration to Discover that had the System of Government Solicited by the Old Subjects been adopted in Canada, this Colony would in 1775 have become one of the United States of America Whoever Considers the Number of Old Subjects who in that Year corresponded with and Joined the Rebels, of those who abandoned the defence of Quebec in virtue of Sir Guy Carleton's Proclamation¹ in the fall of the same Year, & of the many others who are now the avowed well wishers of the Revolted Colonies, must feel this Truth however national or Religious Prejudices will not allow him to declare it.

On the other hand the Quebec Act alone has prevented or Can in any Degree prevent the Emissaries of France and the Rebellious Colonies from Succeeding in their Efforts to withdraw the Canadian Clergy & Noblesse from their Allegiance to the Crown of Great Britain.² For this Reason amongst many others, this is not the time for Innovations and it Cannot be Sufficiently inculcated on the part of Government that the Quebec Act is a Sacred Charter, granted by the King in Parliament to the Canadians as a Security for their Religion, Laws and Property.

These being My Sentiments, Your Lordship will Conceive Some of the Reasons, which prevented me from Communicating the 12th, 13th & 16th Instructions³ to the Legislative Council. I have now been upwards of Two Years in the Country, have Conversed fully with all kinds of Men and have not found that the People were dis-satisfied with the Ordinances, which Regulates the Proceedings in the Courts of Justice ; on the Contrary, all are Sensible that Debts are easier Recovered and with less Procrastination than formerly. The English Law of Evidence having been adopted in Lieu of that of the French Law in Commercial matters⁴ has been found by Experience adequate to Securing the Interests & Property of the Merchant—The Clamor about the Trial by Juries in Civil Causes is Calculated for the Meridian of London ; in Canada, Moderate & upright Men are Convinced of the abuses to which that Institution is liable in a Small Community where the Jurors must be all Traders, and very frequently either directly or indirectly connected with the Parties—In the Civil Courts of Original Jurisdiction, the Evidence is taken down in writing, So that not only the Judges in Appeal, but the Whole World can Judge of the Fact upon which the Judges form their Decision. Be Assured My Lord that however good the Institution of Juries may be found in England, the People of this Country have a great Aversion to

¹ Referring to Carleton's Proclamation of Nov. 22nd, 1775, ordering all those who refused to take up arms in defence of Quebec to leave it within four days. See Q 12, p. 24.

² Yet he sent several despatches to prove that they were quite ready to withdraw. See for instance, Q. 17-1, p. 195, and Q 19, p. 268.

³ Referring to the introduction, as far as possible of the English Laws, the granting of the writ of Habeas Corpus, and the holding of government appointments at pleasure only. See pp. 599, 600, and 697.

⁴ Referring to sec. 7 of the "Ordinance to regulate the Proceedings in the Courts of Civil Judicature in the Province of Quebec." See p. 682.