

SESSIONAL PAPER No. 18

sirable End, convinced, that the affections of the Canadians, or a great force, is necessary to secure this province in time of War, or, at least, till the marine of france is thoroughly subdued: to those letters I refer your Lordship for further particulars, and am, with great regard, and esteem,

Your Lordships most Obedient & most humble Serv^t

GUY CARLETON

To the Earl of Hillsborough

A DRAUGHT of An Intended Report of the Honourable the Governor in Chief and the Council of the Province of Quebec to the King's most Excellent Majesty in his Privy Council; concerning The State of the Laws and the Administration of Justice in that Province.¹

May it please your Majesty,

In humble obedience to your Majesty's order in council, of the 28th day of August 1767,² wherein your Majesty is pleased to order that we should report to your Majesty,

First. Whether any, and what, defects are now subsisting in the present state of Judicature in this your Majesty's province of Quebec:

And Secondly. Whether the Canadians are, or think themselves, aggrieved according to the present administration of justice: wherein, and in what respects; together with our opinions of any alterations or amendments that we can propose for the general benefit of the said province; and that such alterations and amendments, for the clearer apprehension thereof, be transmitted to your Majesty in the form of ordinances, but not passed as such; and that such report be returned, signed by your Majesty's governor, or his *locum tenens*, the chief justice, and attorney general of the said province; but that, if they should not concur, the person or persons differing in opinion should be required to report the difference of his opinions, together with his reasons for such difference of opinion, fully and at large:

We lay before your Majesty the following view of the laws and customs which at present prevail in this province, and of the rules of decision observed by your Majesty's courts of judicature in the administration of justice, together with such observations on these heads as the experience we have had in our respective offices since we have had the honour to serve your Majesty in this province has enabled us to make.

¹ From *A Collection of Several Commissions, and other Public Instruments, Proceeding from his Majesty's Royal Authority, Relating to the Province of Quebec.* Collected by Francis Maseres, Attorney General of the Province. London; 1772, p. 1. Given also in Canadian Archives, Q 56-2.

² See p. 285.