

6-7 EDWARD VII., A. 1907

Having thus at large recited the Minute to which the Motion refers, the whole of M^r Livius's conduct in Council is before Your Majesty, and submitted to your Royal Wisdom; but your Majesty having been pleased to require our Opinion in the Case, it is our duty to say, that, altho' it were much to be wished, that the last of the above recited Motions had been propounded in terms more studiously guarded, and to appearance not so offensive to the Governor; yet upon a full Review of these proceedings, without entering into any discussion of the Authority assumed by the Governor in the mode of removal, there does not appear to us good and sufficient cause for displacing M^r Livius; especially when we consider, what has been before observed, that no complaint or imputation whatever has been prefer'd against him in his Judicial Capacity.¹

Which is most humbly submitted,

Soame Jenyns,
Bamber Gascoyne,
William Jolliffe,
C. F. Greville,
Thomas de Grey, Jun^r
Robt. Spencer.

Whitehall,
March 2^d 1779.

[L.S.]

George R

Additional Instruction to Our Trusty & Welbeloved Frederick Haldimand Esq^r Our Captain General and Governor in Chief in & over Our Province of Quebec in America, & of all Our Territories dependent thereupon.—Given at Our Court at S^t James's the Twenty Ninth day of March 1779. In the Nineteenth Year of Our Reign.²

C.O.
Quebec 1768-1787
Vol. 1.)

Whereas by the Second Article³ of Our Instructions to You the Governor of Our Province of Quebec, We have thought fit to direct that any five of the Members of Our Council for that Province shall constitute a Board of Council for transacting all Business, in which their Advice & Consent may be requisite, Acts of Legislature only excepted, in which case you are not to act without a Majority of the whole. And Whereas it is highly fitting & expedient that no misrepresentation of Our Royal Will & Pleasure in this Instance should continue or obtain, We do hereby direct & require that this Article shall not be understood to delegate Authority to you Our Governor to select & appoint any such Persons by Name as you shall think fit to make

¹ On July 19th, 1779, Germain sent to Haldimand, a mandamus to re-appoint Peter Livius, Chief Justice of the Province of Quebec. Q 16-1, p. 62. See also Germain to Haldimand, B 43, p. 63.

² This is one of the additional instructions recommended in the previous document, see p. 703.

³ See 2nd article of Carleton's Instructions, 1775, p. 594, and which remained unchanged for Haldimand.