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P A P E R S

RELATIVE TO THE

PROVINCE OF QUEBEC.

Ordered to be printed 21st April 1791.

PAAP
FC
" 410
P36
1791

N^o I.

COPY of the Articles of Capitulation of Quebec,
18th September, 1759.

La Capitulation demandée d'autre Part a été accordée par son Excellence Général Townshend, Brigadier des Armées de Sa Majesté Britannique en Amérique, de la Manière et aux Conditions exprimées cy-dessous:

Articles de Capitulation demandés par M^r de Ramzay, Lieutenant pour le Roy, Commandant les Hautes et Basses Villes de Quebec, Chevalier de l'Ordre Royal et Militaire de St. Louis, à son Excellence Monsieur le Général des Troupes de Sa Majesté Britannique:

1.

La Garnison de la Ville, composée des Troupes de Terre, de Marine, et Matelots, sortiront de la Ville avec Armes et Bagages, Tambour battant, Mèche allumée, avec Deux Pièces de Canon de France, Douze Coups à tirer pour chaque Pièce, et sera embarqué le plus commodement possible pour être mis en France au premier Port.

2.

Accordé, en mettant les Armes bas.

3.

Accordé.

Article Premier.

M^r de Ramzay demande les Honneurs de la Guerre pour sa Garnison, et qu'elle soit ramenée à l'Armée en Sureté, par le Chemin le plus court, avec Armes, Bagages, Six Pièces de Canons de Fonte, Deux Mortiers ou Obusiers, et Douze Coups à tirer par Pièce.

Article 2.

Que les Habitans soient conservés dans la Possession de leurs Maisons, Biens, Effets, et Privilèges.

Article 3.

Que les dits Habitans ne pourront être recherchés pour avoir porté les Armes à la Défense de la Ville, attendu qu'ils y ont été forcés, et que les Habitans des Colonies des Deux Couronnes y servent également comme Milices.

4. Accordé

Accordé. 4.

Article 4.
Qu'il ne fera pas touché aux Effets des Officiers et Habitans absens.

Accordé. 5.

Article 5.
Que les dits Habitans ne seront point transferés, ni tenus de quitter leurs Maisons, jusqu'à ce qu'un Traité Definitif entre S. M. T. C. et S. M. B. aye réglé leur Etât.

6.
Libre Exercise de la Religion Romaine, Sauves-gardes. accordées à toutes Personnes Religieuses, ainsi qu'à M. l'Evêque, qui pourra venir exercer librement et avec Decence les Fonctions de son Etât, lorsqu'il le jugera à propos, jusqu'à ce que la Possession du Canada aye t-été décidée entre Sa Majesté B. et S. M. T. C.

Article 6.
Que l'Exercise de la Religion Catholique, Apostolique, et Romaine sera conservé, que l'on donnera des Sauve-gardes aux Maisons des Ecclesiastiques Religieux et Religieuses, particulièrement à M^{sr}. l'Evêque de Quebec, qui, rempli de Zèle pour la Religion, et de Charité pour le Peuple de son Diocese, desire y rester constamment, exercer librement, et avec la Decence que son Etât et les sacrés Mystères de la Religion Catholique, Apostolique, et Romaine exigent, son Autorité Episcopale dans la Ville de Quebec, lorsqu'il jugera à propos, jusqu'à ce que la Possession du Canada ait été décidée par un Traité entre S. M. T. C. et S. M. B.

Accordé. 7.

Article 7.
Que l'Artillerie et les Munitions de Guerre seront remises de bonne Foy, et qu'il en sera dressé un Inventaire.

Accordé. 8.

Article 8.
Qu'il en sera usé pour les Malades, Blessés, Commissaires, Aumoniers, Médecins, Chirurgiens, Apoticairez, et autres Personnes employés au Service des Hôpitaux, conformément au Traité d'Echange du 6 Fevrier, 1759, convenu entre leurs M. T. C. et B.

Accordé. 9.

Article 9.
Qu'avant de livrer la Porte et l'Entrée de la Ville aux Troupes Angloises, leur Général voudra bien remettre quelques Soldats pour être mis

mis en Sauvegardes aux Eglises, Couvents, et principales Habitations.

Article 10.

Accordé. 10.

Qu'il sera permis au Lieutenant du Roy, commandant dans la Ville de Quebec, d'envoyer informer M^r. le Marquis de Vaudreuil, Gouverneur Général, de la Reddition de la Place, comme aussi que ce Général pourra écrire au Ministre de France pour l'en informer.

Article 11.

Accordé. 11.

Que la présente Capitulation sera executée suivant sa Forme et Teneur, sans qu'elle puisse être sujette à Inexecution sous Pretexte de Représailles ou d'une Inexecution de quelque Capitulation précédente.

Le present Traité a été fait et arrêté double, entre nous, au Camp devant Quebec, ce 18 Septembre, 1759.

CHAS. SAUNDERS,
GEO. TOWNSHEND,
DE. RAMZAY.

N^o 2.

TRANSLATION of the Articles of Capitulation of
Quebec, 18th September, 1759.

Article 1st.

M. DE RAMSAY demands the Honours of War for his Garrison, and that it shall be conducted back to the Army in Safety by the shortest Road, with their Arms, Baggage, Six Pieces of Brass Cannon, Two Mortars or Howitzers, and Twelve Rounds.—The Garrison of the Town, composed of Land Forces, Marines, and Sailors, shall march out with their Arms and Baggage, Drums beating, lighted Matches, with Two Pieces of Cannon, and Twelve Rounds, and shall be embarked as conveniently as possible, in order to be landed at the first Port in France.

2^d. That the Inhabitants shall be maintained in the Possession of their Houses, Goods, Effects, and Privileges.—Granted, provided they lay down their Arms.

3^d. That the said Inhabitants shall not be molested on Account of their having borne Arms for the Defence of the Town, as they were forced to it, and as it is customary for the Inhabitants of the Colonies of both Crowns to serve as Militia.—Granted.

4th. That the Effects belonging to the absent Officers or Inhabitants shall not be touched.—Granted.

5th. That the said Inhabitants shall not be removed, nor obliged to quit their Houses, until their Conditions shall be settled by a Definitive Treaty between their Most Christian and Britannic Majesties.—Granted.

6th. That the Exercise of the Catholic, Apostolic, and Roman Religion shall be preserved, and that Safe-guards shall be granted to the Houses of the Clergy, and to the Monasteries, particularly to the Bishop of Quebec, who, animated with Zeal for Religion, and Charity for the People of his Diocese, desires to reside constantly in it, to exercise freely, and with that Decency which his Character, and the sacred Mysteries of the Catholic, Apostolic, and Roman Religion require, his Episcopal Authority in the Town of Quebec, whenever he shall think it proper, until the Possession of Canada shall have been decided by a Treaty between their Most Christian and Britannic Majesties.—The free Exercise of the Roman Religion, Safe-guards granted to all Religious Persons, as well as to the Bishop, who shall be at Liberty to come and exercise freely and with Decency the Functions of his Office whenever he shall think proper, until the Possession of Canada shall have been decided between their Britannic and Most Christian Majesties.

7th. That the Artillery and Warlike Stores shall be delivered up bona fide, and an Inventory taken thereof.—Granted.

8th. That the Sick, Wounded, Commissaries, Chaplains, Physicians, Surgeons, Apothecaries, and other Persons employed in the Hospitals, shall be treated agreeable to the Cartel settled between their Most Christian and Britannic Majesties on February 6th, 1759.—Granted.

9th. That before delivering up the Gate, and the Entrance of the Town to the English Forces, their General will be pleased to send some Soldiers to be placed as Safe-guards at the Churches, Convents, and Chief Habitations.—Granted.

10th. That the Commander of the City of Quebec shall be permitted to send Advice to the Marquis de Vaudreil, Governor General, of the Reduction of the Town; as also that this General shall be allowed to write to the French Ministry to inform them thereof.—Granted.

11th. That the present Capitulation shall be executed according to its Form and Tenor, without being liable to Non-execution under Pretence of Reprisals, or the Non-execution of any preceding Capitulation.—Granted.

The present Treaty has been made and settled between us, and Duplicates signed at the Camp before Quebec, Sept. 18, 1759.

C. SAUNDERS.

G. TOWNSHEND.

DE RAMZAY.

N^o 3.

COPY of the Fourth Article of the Definitive Treaty,
concluded at Paris the 10th of February 1763.

HIS Most Christian Majesty renounces all Pretensions which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its Parts, and guarantees the Whole of it, and with all its Dependencies, to the King of Great Britain: Moreover his Most Christian Majesty cedes and guarantees to His said Britannic Majesty, in full Right, Canada, with all its Dependencies, as well as the Island of Cape Breton, and all the other Islands and Coasts in the Gulph and River St. Lawrence, and in general every Thing that depends on the said Countries, Lands, Islands, and Coasts, with the Sovereignty, Property, Possession, and all Rights, acquired by Treaty or otherwise, which the Most Christian King and the Crown of France have had till now over the said Countries, Islands, Lands, Places, Coasts, and their Inhabitants, so that the Most Christian King cedes and makes over the Whole to the said King, and to the Crown of Great Britain, and that in the most ample Manner and Form, without Restriction, and without any Liberty to depart from the said Cession and Guaranty, under any Pretence, or to disturb Great Britain in the Possession above-mentioned.

His Britannic Majesty, on His Side, agrees to grant the Liberty of the Catholic Religion to the Inhabitants of Canada: He will, consequently, give the most precise and most effectual Orders, that His new Roman Catholic Subjects may profess the Worship of their Religion, according to the Rights of the Romish Church, as far as the Laws of Great Britain permit.

His Britannic Majesty further agrees, that the French Inhabitants, or others, who had been Subjects of the Most Christian King in Canada, may retire, with all Safety and Freedom, wherever they shall think proper, and may sell their Estates, provided it be to Subjects of His Britannic Majesty, and bring away their Effects, as well as their Persons, without being restrained in their Emigration, under any Pretence whatsoever, except that of Debts, or of Criminal Prosecutions: The Term limited for this Emigration shall be fixed to the Space of Eighteen Months, to be computed from the Day of the Exchange of the Ratifications of the present Treaty.

N^o 4.

(COPY.)

ROYAL PROCLAMATION, October 7th 1763.

By the KING. A Proclamation.

GEORGE R.

WHEREAS We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to Our Crown by the late Definitive Treaty of Peace, concluded at Paris the 10th Day of February last; and being desirous that all Our loving Subjects, as well of Our Kingdoms as of Our Colonies in America, may avail themselves, with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of Our Privy Council, to issue this Our Royal Proclamation, hereby to publish and declare to all Our loving Subjects, that We have, with the Advice of Our said Privy Council, granted Our Letters Patent, under Our Great Seal of Great Britain, to erect, within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, styled and called by the Names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows; viz.

First. The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River, through the Lake St. John, to the South End of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45 Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence, by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly. The Government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that Part of the said River where the Chatahouchee and Flint Rivers meet, to the Source of St. Mary's River, and by the Course of the said River to the Atlantic Ocean; and to the Eastward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

Thirdly. The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast, from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River Mississippi; to the Northward by a Line drawn due East from that Part of the River
Mississippi

Mississippi which lies in 31 Degrees North Latitude, to the River Apalachicola or Chatahouchez; and to the Eastward by the said River.

Fourthly. The Government of Grenada, comprehending the Island of that Name, together with the Grenadines, and the Islands of Dominico, St. Vincent's, and Tobago.

And to the End that the open and free Fishery of Our Subjects may be extended to and carried on upon the Coast of Labrador, and the adjacent Islands, We have thought fit, with the Advice of Our said Privy Council, to put all that Coast, from the River St. John's to Hudson's Straights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the Care and Inspection of Our Governor of Newfoundland.

We have also, with the Advice of Our Privy Council, thought fit to annex the Islands of St. John's and Cape Breton, or Isle Royale, with the lesser Islands adjacent thereto, to Our Government of Nova Scotia.

We have also, with the Advice of Our Privy Council aforesaid, annexed to Our Province of Georgia all the Lands lying between the Rivers Alamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling Our said new Governments, that Our loving Subjects should be informed of Our Paternal Care for the Security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under Our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to Our Governors of Our said Colonies respectively, that so soon as the State and Circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of Our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under Our immediate Government; and We have also given Power to the said Governors, with the Consent of Our said Councils, and the Representatives of the People so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of Our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons inhabiting in or resorting to Our said Colonies may confide in Our Royal Protection for the Enjoyment of the Benefit of the Laws of Our Realm of England; for which Purpose We have given Power under Our Great Seal to the Governors of Our said Colonies respectively to erect and constitute, with the Advice of Our said Councils respectively, Courts of Judicature and public Justice within Our said Colonies, for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in Our Privy Council.

We have also thought fit, with the Advice of Our Privy Council as aforesaid, to give unto the Governors and Councils of Our said Three new Colonies upon the Continent full Power and Authority to settle and agree with the Inhabitants of Our said new Colonies or with any other Persons, who shall resort thereto, for such Lands, Tenements, and Hereditaments as are now or hereafter shall be in Our Power to dispose of; and them to grant to any such Person or Persons, upon such Terms, and under such moderate Quit Rents, Services, and Acknowledgments, as have been appointed and settled in Our other Colonies, and under such other Conditions as shall appear to Us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and Settlement of Our said Colonies.

And whereas We are desirous, upon all Occasions, to testify Our Royal Sense and Approbation of the Conduct and Bravery of the Officers and Soldiers of Our Armies, and to reward the same, We do hereby command and empower Our Governors of Our said Three new Colonies, and all other Our Governors of Our several Provinces on the Continent of North America, to grant, without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall Personally apply for the same, the following Quantities of Lands, subject, at the Expiration of Ten Years, to the same Quit Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer, 5,000 Acres.

To every Captain, 3,000 Acres.

To every Subaltern, or Staff Officer, 2,000 Acres.

To every Non-commission Officer, 200 Acres.

To every Private Man, 50 Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all Our said Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the same Conditions, to such reduced Officers of Our Navy of like Rank as served on Board Our Ships of War in North America at the Times of the Reduction of Louisbourg and Quebec in the late War, and who shall Personally apply to Our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to Our Interest, and the Security of Our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under Our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds, We do therefore, with the Advice of Our Privy Council, declare it to be Our Royal Will and Pleasure that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for

for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America do presume for the present, and until Our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid; and We do hereby strictly forbid, on Pain of our Displeasure, all Our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without Our especial Leave and Licence for that Purpose first obtained.

And We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians: In order, therefore, to prevent such Irregularities for the future, and to the End that the Indians may be convinced of Our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of Our Privy Council, strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians within those Parts of Our Colonies where We have thought proper to allow Settlement; but that if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of Our Colony respectively within which they shall lie; and in case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the Use and in the Name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose; and We do, by the Advice of Our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all Our Subjects whatever provided that every Person who may incline to trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We

We shall at any Time think fit, by Ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade: And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all Our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And We do further expressly enjoin and require all Officers whatever, as well military as those employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the Use of the said Indians, to seize and apprehend all Persons whatever, who, standing charged with Treasons, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice, and take Refuge in the said Territory, and to send them under a proper Guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at Our Court at St. James's, the 7th Day of October, 1763,
in the Third Year of Our Reign.

God save the King.

N^o. 5.

COPY of Instructions for James Murray, Esquire, Governor of the Province of Quebec, dated 7th. December 1763.

GEORGE R.

(L. S.) Instructions to Our Trusty and Well-beloved James Murray, Esquire, Our Captain General and Governor in Chief in and over Our Province of Quebec, in America, and of all our Territories dependant thereupon. Given at Our Court at St. James's, the 7th Day of December 1763, in the Fourth Year of Our Reign.

1. **W**ITH these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain, constituting you Our Captain General and Governor in Chief in and over our Province of Quebec in America, bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John to the South End of the Lake Nipissin, from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in Forty-five Degrees of North Latitude, passes along the Highlands

Highlands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence, to Cape Rosieres; and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforefaid River of St. John: You are therefore to take upon you the Execution of the Office and Trust We have reposed in you, and the Administration of Government, and to do and execute all Things in due Manner that shall belong to your Command, according to the several Powers and Authorities of Our said Commission under Our Great Seal of Great Britain, and these Our Instructions to you, according to such further Powers and Instructions as shall at any Time hereafter be granted or appointed you, under Our Signet and Sign Manual, or by Our Order in Our Privy Council.

2. And you are with all due Solemnity to cause Our said Commission to be published at Quebec, which We do appoint to be the Place of your Residence, and the principal Seat of Government in the Districts of Montreal and Trois Rivieres, and in such other Parts of your Government as you shall think necessary and expedient, as soon as possible; which being done, you are in the next Place to nominate and establish a Council for Our said Province, to assist you in the Administration of Government, which Council is for the present to be composed of the Persons whom We have appointed to be Our Lieutenant Governors of Montreal and Trois Rivieres, Our Chief Justice of Our said Province, and the Surveyor General of Our Customs in America for the Northern District, and Eight other Persons to be chosen by you from amongst the most considerable of the Inhabitants of or Persons of Property in Our said Province, which Persons so nominated and appointed by you as aforefaid (Five of which We do hereby appoint to be a Quorum) are to be Our Council for Our said Province, and to have and enjoy all the Powers, Privilege, and Authority usually exercised and enjoyed by the Members of Our Councils in Our other Plantations, and also such others as are contained in Our said Commission under Our Great Seal of Great Britain, and in these Our Instructions to you; and they shall meet together at such Time or Times, Place or Places as you in your Discretion shall think necessary and expedient: It is nevertheless Our Will and Pleasure that the said Chief Justice, or Surveyor General of the Customs, shall not be capable of taking the Administration of the Government upon the Death or Absence of you Our Governor, or the Commander in Chief for the Time being.

3. And you are forthwith to call Our said Council together, or such of them as can be conveniently assembled, and to cause Our said Commission to you to be read at such Meeting; which being done, you shall then take yourself, and also administer to Our Lieutenant Governors respectively, and to the Members of Our said Council, the Oaths mentioned in Act passed in the First Year of the Reign of his Majesty King George the First, intituled, "An Act for the further Security of His Majesty's Person, and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors," as

also to make and subscribe, and cause them to make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled, " An Act for preventing Dangers which may happen from Popish Recusants;" and you and every One of them are likewise to take an Oath for the due Execution of your and their Places and Trusts, with regard to your and their equal and impartial Administration of Justice; and you are also to take the Oath required by an Act passed in the Seventh and Eighth Years of the Reign of King William the Third to be taken by Governors of Plantations, to do their utmost that the Laws relating to the Plantations be observed.

4. And you are forthwith to transmit unto Our Commissioners for Trade and Plantations, in order to be laid before Us for Our Approbation or Disallowance, the Names of the Members of the Council so to be appointed by you as aforesaid; as also a List of the Names and Characters of Eight other Persons in Our said Province, whom you judge properly qualified to serve in that Station; to the End that, if any of the Persons appointed by you as aforesaid shall not be approved and confirmed by Us, under Our Signet and Sign Manual, the Place or Places of such Persons so disapproved may be forthwith supplied from the said List, or otherwise, as We shall think fit.

5. And if it shall at any Time happen, that by the Death, Departure out of Our said Province, Suspension of any of Our said Councillors, or otherwise, there shall be a Vacaney in Our said Council, Our Will and Pleasure is, that you signify the same to Our Commissioners for Trade and Plantations by the first Opportunity, that We may, under Our Sign Manual, constitute and appoint others in their Stead; to which End you are, whenever such Vacancy happens, to transmit unto Our said Commissioners, in order to be laid before Us, the Names of Three or more Persons, Inhabitants of Our said Province, whom you shall esteem best qualified for such Trust.

6. But that Our Affairs may not suffer for Want of a due Number of Councillors, if ever it shall happen that there be less than Seven residing in Our said Province, We do hereby give and grant unto you the said James Murray full Power and Authority to chuse as many Persons, out of the principal Inhabitants of Our said Province, as will make up the full Number of the Council to be Seven, and no more; which Persons, so chosen and appointed by you, shall be to all Intents and Purposes Councillors in Our said Province, till either they shall be confirmed by Us, or by the Nomination of others by Us, under our Signet and Sign Manual: Our said Council shall have Seven or more Persons in it.

7. And it is Our Will and Pleasure that you do, and you are hereby authorized and empowered to suspend and remove any of the Members of Our said Council from sitting, voting, and assisting therein, if you shall find just Cause for so doing; and also in like Manner to suspend any of Our Lieutenant Governors of Our said Province from the Execution of their Commands, and to appoint others in their Stead, until Our Pleasure shall be known; it is nevertheless our Will and Pleasure, that you do not suspend or remove any of the Lieutenant Governors of Our said Province respectively,

ſpectively, or any of the Members of Our Council, when they ſhall have been confirmed by Us as aforeſaid, without good and ſufficient Cauſe, nor without the Conſent of the Majority of the ſaid Council, ſignified in Council, after due Examination of the Charge againſt ſuch Lieutenant Governor, or Councillor, and his Anſwer thereunto: And in caſe of Suspension of any of them you are to cauſe your Reaſons for ſo doing, together with the Charges and Proofs againſt ſuch Perſon, and his Anſwer thereunto, to be duly entered upon the Council Books, and forthwith to tranſmit Copies thereof to Our Commiſſioners for Trade and Plantations, in order to be laid before Us: Nevertheleſs, if it ſhould happen that you ſhould have Reaſons for ſuſpending any of the ſaid Perſons, not fit to be communicated to the Council, you may in that Caſe ſuſpend ſuch Perſon without the Conſent of the ſaid Council, but you are thereupon immediately to ſend to Our Commiſſioners for Trade and Plantations, in order to be laid before Us, an Account of your Proceedings therein, together with your Reaſons at large for ſuch Suspension, as alſo your Reaſons at large for not communicating the ſame to the Council, Duplicates thereof, by the next Opportunity.

8. Whereas We are ſenſible that effectual Care ought to be taken to oblige the Members of Our Council to a due Attendance therein, in order to prevent the many Inconveniencies that may happen from the Want of a Quorum of the Council to tranſact Buſineſs as Occaſion may require; it is Our Will and Pleaſure, that if any of the Members of Our ſaid Council ſhall hereafter abſent themſelves from the ſaid Province, and continue abſent above the Space of Six Months together, without Leave from you, or from Our Commander in Chief of Our ſaid Province for the Time being, firſt obtained under your or his Hand and Seal, or ſhall remain abſent for the Space of One Year, without Our Leave given them under Our Royal Signet and Sign Manual, their Place or Places in the ſaid Council ſhall immediately thereupon become void; and that if any of the Members of Our ſaid Council, then reſiding in that Province under your Government, ſhall hereafter wilfully abſent themſelves when duly ſummoned, without a juſt and lawful Cauſe, and ſhall perſiſt therein after Admonition, you ſuſpend the ſaid Councillors ſo abſenting themſelves, till Our further Pleaſure be known, giving Us timely Notice thereof: And We do hereby will and require you, that this Our Royal Pleaſure be ſignified to the ſeveral Members of Our Council aforeſaid, and entered into the Council Books of the Province under your Government, as a ſtanding Rule.

9. You are forthwith to communicate ſuch and ſo many of theſe Our Inſtructions to our ſaid Council, wherein their Advice and Conſent are mentioned to be requiſite, as likewiſe all ſuch others from Time to Time as you ſhall find convenient for Our Service to be imparted to them.

10. You are to permit the Members of Our ſaid Council to have and enjoy Freedom of Debate and Vote, in all Affairs of public Concern that may be debated in Council.

11. And whereas it is directed by Our Commiſſion to you, under Our Great Seal, that ſo ſoon as the Situation and Circumſtances of Our ſaid Province will admit thereof you ſhall, with the Advice of Our Council, ſummon and call a General Aſſembly of the Freeholders in Our ſaid Province,

vince, you are therefore, as soon as the more pressing Affairs of Government will allow, to give all possible Attention to the carrying this important Object into Execution ; but as it may be impracticable for the present to form such an Establishment, You are in the mean Time to make such Rules and Regulations, by the Advice of Our said Council, as shall appear to be necessary for the Peace, Order, and good Government of Our said Province, taking Care that nothing be passed or done that shall any Ways tend to affect the Life, Limb, or Liberty of the Subject, or to the imposing any Duties or Taxes; and that all such Rules and Regulations be transmitted to Us by the first Opportunity, after they are passed and made, for Our Approbation or Disallowance: And it is Our Will and Pleasure, that when an Assembly shall have been summoned and met in such Manner as you in your Discretion shall think most proper, or as shall be hereafter directed and appointed, the following Regulations be carefully observed in the framing and passing all such Laws, Statutes, and Ordinances, as are to be passed by you, with the Advice and Consent of Our said Council and Assembly; viz.

That the Stile of enacting the said Laws, Statutes, and Ordinances be by the Governor, Council, and Assembly, and no other.

That each different Matter be provided for by a different Law, without including in One and the same Act such Things as have no proper Relation to each other.

That no Clause be inserted in any Act or Ordinance which shall be foreign to what the Title of it imports; and that no perpetual Clause be part of any temporary Law.

That no Law or Ordinance whatever be suspended, altered, continued, revived, or repealed by general Words; but that the Title and Date of such Law or Ordinance be particularly mentioned in the enacting Part.

That no Law or Ordinance respecting Private Property be passed without a Clause suspending its Execution until Our Royal Will and Pleasure is known, nor without a Saving of the Right of Us, Our Heirs and Successors, and of all Bodies Politic and Corporate, and of all other Persons, except such as are mentioned in the said Law or Ordinance, and those claiming by, from, and under them; and before such Law and Ordinance is passed Proof must be made before you in Council, and entered in the Council Books, that public Notification was made of the Party's Intention to apply for such Act in the several Parish Churches where the Lands in Question lie, for Three Sundays at least successively before any such Law or Ordinance shall be proposed; and you are to transmit and annex to the said Law or Ordinance a Certificate under your Hand, that the same passed through all the Forms above mentioned.

That in all Laws or Ordinances for levying Money, or imposing Fines, Forfeitures, or Penalties, express Mention be made, that the same is granted or reserved to Us, Our Heirs and Successors, for the Public Uses of the said Province, and the Support of the Government thereof, as by the said Law or Ordinance shall be directed; and that a Clause be inserted, declaring that the Money arising by the Operation of the said Law or Ordinance shall be accounted for unto Us in this Kingdom, and to Our Commissioners of Our Treasury, or Our High Treasurer for the Time being,

being, and audited by Our Auditor General of Our Plantations, or His Deputy.

That all such Laws, Statutes, and Ordinances be transmitted by you, within Three Months after their passing, or sooner if Opportunity offers, to Our Commissioners for Trade and Plantations, that they be fairly abstracted in the Margents, and accompanied with very full and particular Observations upon each of them; that is to say, whether the same is introductive of a new Law, declaratory of a former Law, or does repeal a Law then before in being and you are also to transmit, in the fullest Manner, the Reasons and Occasion for enacting such Laws or Ordinances, together with fair Copies of the Journals of the Proceedings of the Council and Assembly, which you are to require from the Clerks of the said Council and Assembly.

12. And to the End that nothing may be passed or done to the Prejudice of the true Interests of this Our Kingdom, the just Rights of Us, Our Heirs and Successors, or the Property of Our Subjects, it is Our express Will and Pleasure, that no Law whatever which shall in any wise tend to affect the Commerce or Shipping of this Kingdom, or which shall anyways relate to the Rights and Prerogative of Our Crown, or the Property of Our Subjects, or which shall be of an unusual or extraordinary Nature, be finally ratified and assented to by you, until you shall have first transmitted a Draft of such Law, and shall have received Our Directions thereupon, unless you take Care that a Clause be inserted suspending and deferring the Execution thereof until Our Pleasure is known concerning the same.

13. And whereas Laws have formerly been enacted in several of Our Plantations in America for so short Time, that Our Royal Assent or Refusal thereof could not be had before the Time for which such Laws were enacted did expire, you shall not give your Assent to any Law that shall be enacted for a less Time than Two Years, except in Cases of imminent Necessity, as immediate temporary Expediency; and you shall not re-enact any Law to which Our Assent shall have been once refused, without express Leave for that Purpose first obtained from Us, upon a full Representation by you to be made to Our Commissioners for Trade and Plantations, in order to be laid before Us, of the Reasons and Necessity for passing such Law; nor give your Assent to any Law for repealing any other Law which shall have passed in your Government, and shall have received Our Royal Approbation, unless you take Care that there be a Clause inserted therein, suspending and deferring the Execution thereof until Our Pleasure shall be known concerning the same.

14. And We do particularly require you to take Care that fair Books of Accounts of all Receipts and Payments of all Public Money be duly kept, and the Truth thereof attested upon Oath; and that all such Accounts be audited and attested by Our Auditor General of Our Plantations, or his Deputy, who is to transmit Copies thereof to Our Commissioners of Our Treasury, or to Our High Treasurer for the Time being; and that you do, every Half Year, or oftner, send another Copy thereof, attested by yourself, to Our Commissioners for Trade and Plantations, and Duplicates thereof by the next Conveyance, in which Books shall be specified every particular Sum raised or

disposed of, together with the Names of the Persons to whom any Payment shall be made, to the End We may be satisfied of the right and due Application of the Revenue of Our said Province, with the Probability of the Increase and Diminution of it under every Head and Article thereof.

15. And whereas the Members of several Assemblies in the Plantations have frequently assumed to themselves Privileges no Ways belonging to them, especially of being protected from Suits at Law during the Term they remain of the Assembly, to the great Prejudice of their Creditors, and the Obstruction of Justice; and some Assemblies have presumed to adjourn themselves at Pleasure, without Leave from Our Governor first obtained, and others have taken upon them the sole framing of Money Bills, refusing to let the Council alter or amend the same, all which Practices are very detrimental to Our Prerogative; if therefore you find that the Members of the Assembly of Our Province of Quebec insist upon any of the said Privileges, you are to signify to them that it is Our express Will and Pleasure that you do not allow any Protection to any Member of the Council or Assembly, further than in their Persons, and that only during the sitting of the Assembly; and that you do not allow them to adjourn themselves otherwise than de Die in Diem, except Sundays and Holydays, without Leave from you, or the Commander in Chief for the Time being, first obtained: It is also Our further Will and Pleasure, that the Council have the like Power of framing Money Bills as the Assembly.

16. And whereas by Our aforesaid Commission, under Our Great Seal of Great Britain, you are authorized and impowered, with the Advice and Consent of Our Council, to constitute and appoint Courts of Judicature and Justice; it is therefore Our Will and Pleasure that you do, as soon as possible, apply your Attention to these great and important Objects, and that in forming the necessary Establishments for this Purpose you do consider what has taken Place in this Respect in Our other Colonies in America, more particularly in Our Colony of Nova Scotia.

17. And whereas it is for the Ease, Satisfaction, and Benefit of all Our Subjects, that Appeals should be allowed in all Civil Causes, from the Courts in Our Plantations; it is therefore Our Will and Pleasure, that when the several Courts and Offices necessary for the Administration of Justice shall have been settled, appointed, and confirmed, in consequence of the Power vested in you by Our Commission under Our Great Seal, and by these Our Instructions, you do, as near as different Circumstances will admit, conform yourself to the Regulations prescribed in the Instructions given to Our Governor of Nova Scotia, in respect to such Appeals, Copies of which Instructions are hereunto annexed.

18. You are, with the Advice and Consent of Our Council in the Province under your Government, to take especial Care to regulate all Salaries and Fees belonging to Places, or paid upon Emergencies, that they be within the Bounds of Moderation, and that no Exaction be made on any Occasion whatsoever; as also that Tables of all Fees be publicly hung up in all Places where such Fees are to be paid; and you are to transmit Copies of all such Tables of Fees to Our Commissioners for Trade and Plantations, in order to be laid before Us.

19. It is Our exprefs Will and Pleasure, that you do by the first Opportunity, and with all convenient Speed, transmit unto Us, by Our Commissioners for Trade and Plantations, authentic Copies of all Acts, Orders, Grants, Commissions, or other Powers, by virtue of which any Courts, Offices, Jurisdictions, Pleas, Authorities, Fees, and Privileges, have been settled or established for Our Confirmation or Disallowance, and in case all or any of them shall at any Time or Times be disallowed and not approved, then such and so many as shall be so disallowed and not approved, and so signified by Us, shall cease, determine, and be no longer continued or put in Practice.

20. You shall not appoint any Person to be a Judge or Justice of the Peace, without the Advice and Consent of the Majority of the Members of Our Council, present in Council, nor shall you execute yourself or by Deputy any of the said Offices: And it is Our further Will and Pleasure, that all Commissions to be granted by you to any Person or Persons to be Judges, or Justices of the Peace, or other necessary Officers, be granted during Pleasure only.

21. You shall not displace any of the Judges, Justices of the Peace, or other Officers or Ministers, without good and sufficient Cause, which you shall signify in the fullest and most distinct Manner to Our Commissioners for Trade and Plantations, in order to be laid before Us by the first Opportunity after such Removals.

22. And whereas frequent Complaints have heretofore been made of great Delays and undue Proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much suffered; and it being of the greatest Importance to Our Service, and to the Welfare of Our Plantations, that Justice be every where speedily and duly administered, and that all Disorders, Delays, and other undue Practices, in the Administration thereof, be effectually prevented, We do particularly require you to take especial Care that in all Courts where you are authorized to preside Justice be impartially administered, and that in all other Courts established within Our said Province all Judges and other Persons therein concerned do likewise perform their several Duties without any Delay or Partiality.

23. You are to take Care that all Writs be issued in Our Name throughout the Province under your Government.

24. Whereas there are several Offices in Our Plantations granted under the Great Seal of Great Britain, and our Service may be very much prejudiced by Reason of the Absence of the Patentees, and by their appointing Deputies not fit to officiate in their Stead; you are therefore to inspect such of the said Offices as are in the Province under your Government, and to enquire into the Capacity and Behaviour of the Persons exercising them, and to report thereupon to Our Commissioners for Trade and Plantations what you think fit to be done or altered in relation thereto; and you are, upon the Misbehaviour of any of the said Patentees, or their Deputies, to suspend them from the Execution of their Office till you shall have represented the whole Matter unto Us, and received Our Directions therein: And in case of the Death of any such Deputy, it is Our exprefs Will and Pleasure

Pleasure that you take Care that the Person appointed to execute the Place until the Patentee can be informed thereof and appoint another Deputy, do give sufficient Security to the Patentee, or in case of Suspension, to the Person suspended, to be answerable to him for the Profits accruing during such Interval by Death, or during such Suspension, in case We shall think fit to restore the Person suspended to his Place again; it is nevertheless Our Will and Pleasure that the Person executing the Place during such Interval by Death or Suspension, shall for his Encouragement receive the same Profits as the Person dead or suspended did receive: And it is Our further Will and Pleasure, that in case of a Suspension of a Patentee, the Person appointed by you to execute the Office during such Suspension shall receive a Moiety of the Profits which would otherwise become due to such Patentee, giving Security to such Patentee to be answerable to him for the other Moiety, in case We shall think fit to restore him to his Office again: And it is further Our Will and Pleasure, that you do countenance and give all due Encouragement to all our Patent Officers in the Enjoyment of their legal and accustomed Fees, Rights, Privileges, and Emoluments, according to the true Intent and Meaning of their Patents.

25. You shall not, by Colour of any Power or Authority hereby or otherwise granted, or mentioned to be granted unto you, take upon you to give, grant, or dispose of any Office or Place within Our said Province, which now is, or shall be granted under the Great Seal of this Kingdom, or to which any Person is or shall be appointed by Warrant under Our Signet and Sign Manual, any further than that you may, upon the Vacancy of any such Office or Place, or upon the Suspension of any such Officer by you as aforesaid, put in any fit Person to officiate in the Interval, till you shall have represented the Matter unto Our Commissioners for Trade and Plantations, in order to be laid before Us as aforesaid (which you are to do by the first Opportunity) and till the said Office or Place be disposed of by Us, Our Heirs or Successors, under the Great Seal of this Kingdom, or until some Person shall be appointed thereto by Warrant under Our Signet and Sign Manual, or Our further Directions be given therein.

26. And whereas several Complaints have been made by the Surveyors General and other Officers of Our Customs in Our Plantations in America, that they have frequently been obliged to serve as Jurors, and Personally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the Execution of their Employment: Our Will and Pleasure is, that you take effectual Care, and give the necessary Directions, that the several Officers of our Customs be excused and exempted from serving on any Juries, or Personally appearing in Arms in the Militia, unless in case of absolute Necessity, or serving any Parochial Offices, which may hinder them in the Execution of their Duty.

27. And whereas the Surveyors General of Our Customs in the Plantations are impowered, in case of the Vacancy of any of our Offices of the Customs, by Death, Removal, or otherwise, to appoint other Persons to execute such Offices, until they receive Directions from Our Commissioners of the Treasury, or Our High Treasurer, or Commissioners of Our Customs for the Time being; but in regard the Districts of Our said Surveyors General
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are very extensive, and that they are required at proper Times to visit the Officers in the several Governments under their Inspection, and that it might happen that some of the Officers of Our Customs in the Province under your Government may die at the Time when the Surveyor General is absent in some distant Part of his District, so that he cannot receive Advice of such Officer's Death within a reasonable Time, and thereby make Provision for carrying on the Service, by appointing some other Person in the Room of such Officer who may happen to die; therefore, that there may be no Delay given on such Occasion to the Masters of Ships or Merchants in their Dispatches, it is Our further Will and Pleasure, in case of such Absence of the Surveyor General, or if he should happen to die, and in such Cases only, that upon the Death of any Collector of Our Customs within our said Province, you, or in your Absence Our Lieutenant Governor or Commander in Chief, shall make Choice of a Person of known Loyalty, Experience, Diligence, and Fidelity, to be employed in such Collector's Room, for the Purposes aforesaid, until the Surveyor General of Our Customs shall be advised thereof, and appoint another to succeed in such Place; and that further Directions shall be given therein by Our Commissioners of Our Treasury, or Our High Treasurer, or by the Commissioners of Our Customs for the Time being, which shall be first signified, taking Care that you do not, under any Pretence of this Instruction, interfere with the Powers and Authorities given by the Commissioners of Our Customs to the said Surveyors General, when they are able to put the same in Execution.

28. And whereas We have been stipulated by the late Definitive Treaty of Peace, concluded at Paris the 10th Day of February 1763, to grant the Liberty of the Catholic Religion to the Inhabitants of Canada, and that We will consequently give the most precise and most effectual Orders that Our new Roman Catholic Subjects in that Province may profess the Worship of their Religion, according to the Rites of the Romish Church, as far as the Laws of Great Britain permit; it is therefore Our Will and Pleasure, that you do, in all Things regarding the said Inhabitants, conform with great Exactness to the Stipulations of the said Treaty in this Respect.

29. You are, as soon as possible, to summon the Inhabitants to meet together, at such Time or Times, Place or Places, as you shall find most convenient, in order to take the Oath of Allegiance, and make and subscribe the Declaration of Abjuration mentioned in the aforesaid Act, passed in the First Year of the Reign of King George the First, "for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors;" which Oath shall be administered to them by such Person or Persons as you shall commissionate for that Purpose; and in case any of the said French Inhabitants shall refuse to take the said Oath, and make and subscribe the Declaration of Abjuration as aforesaid, you are to cause them forthwith to depart out of Our said Government.

30. And it is Our further Will and Pleasure, that all such Inhabitants professing the Religion of the Romish Church do at all such Meetings, or at such other Time or Times as you shall think proper, and in the Manner

you shall think least alarming and inconvenient to the said Inhabitants, deliver in upon Oath an exact Account of all Arms and Ammunition of every Sort in their actual Possession, and so from Time to Time of what they shall receive into their Possession as aforesaid.

31. You are as soon as possible to transmit to Us, by Our Commissioners for Trade and Plantations, an exact and particular Account of the Nature and Constitution of the several Religious Communities of the Romish Church, their Rights, Claims, Privileges, and Property, and also the Number, Situation, and Revenues of the several Churches heretofore established in Our said Province, together with the Number of Priests or Curates officiating in such Churches.

32. You are not to admit of any Ecclesiastical Jurisdiction of the See of Rome, or any other foreign Ecclesiastical Jurisdiction whatsoever, in the Province under your Government.

33. And to the End that the Church of England may be established both in Principles and Practice, and that the said Inhabitants may by Degrees be induced to embrace the Protestant Religion, and their Children to be brought up in the Principles of it, We do hereby declare it to be Our Intention, when the said Province shall have been accurately surveyed, and divided into Townships, Districts, Precincts, or Parishes, in such Manner as shall be hereinafter directed, all possible Encouragement shall be given to the erecting Protestant Schools in the said District, Townships, and Precincts, by settling, appointing, and allotting proper Quantities of Land for that Purpose, and also for a Glebe and Maintenance for a Protestant Minister and Protestant School Master, and you are to consider and report to Us, by Our Commissioners for Trade and Plantations, by what other Means the Protestant Religion may be promoted, established, and encouraged in Our Province under your Government.

34. And you are to take especial Care, that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer, as by Law established, read each Sunday and Holyday, and the blessed Sacrament administered according to the Rites of the Church of England.

35. You are not to prefer any Protestant Minister to any Ecclesiastical Benefice in the Province under your Government, without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the Doctrine and Discipline of the Church of England, and of a good Life and Conversation; and if any Person hereafter preferred to a Benefice shall appear to you to give Scandal, either by his Doctrine or Manners, you are to use the best Means for his Removal.

36. You are to give Orders forthwith that every Orthodox Minister within your Government be One of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of Sickness, or after Notice of a Vestry summoned he omit to come.

37. And to the End that the Ecclesiastical Jurisdiction of the Lord Bishop of London may take Place in Our Province under your Government, as far as conveniently may be, We do think fit that you give all Countenance and Encouragement to the Exercise of the same, excepting only the collat-
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ing to Benefices, granting Licences for Marriage, and Probates of Wills, which We have reserved to you Our Governor, and to the Commander in Chief of Our said Province for the Time being.

38. And We do further direct, that no Schoolmaster who shall arrive in Our said Province from this Kingdom be henceforward permitted to keep School, without the Licence of the said Lord Bishop; and that no other Person now there, or that shall come from other Parts, shall be admitted to keep School in your Government, without your Licence first obtained.

39. And you are to take especial Care that a Table of Marriages, established by the Canons of the Church of England, be hung up in all Places of public Worship, according to the Rites of the Church of England.

40. And it is Our further Will and Pleasure, that in order to suppress, as much as in you lies, every Species of Vice and Immorality, you forthwith do cause all Laws already made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's Day, Swearing, and Drunkenness, to be vigorously put in Execution in every Part of your Government; and that you take due Care for the Punishment of these, and every other Vice and Immorality, by Presentment upon Oath, to be made to the Temporal Courts by the Church Wardens of the several Parishes, at proper Times of the Year to be appointed for that Purpose; and for the further Discouragement of Vice, and Encouragement of Virtue and good Living (that by such Examples the Infidels may be invited and persuaded to embrace the Christian Religion) you are not to admit any Persons to public Trusts and Employments in the Province under your Government, whose ill Fame and Conversation may occasion Scandal.

41. And whereas it is stipulated by the aforesaid Treaty, concluded at Paris the 10th Day of February 1763, that the French Inhabitants, or others who have been Subjects of the Most Christian King in Canada, may retire with all Freedom and Safety wherever they shall think proper, and may sell their Estates, provided it be to Our Subjects, and bring away their Effects as well as their Persons without being restrained in their Emigration under any Pretence whatsoever, except that of Debts, or Criminal Prosecution, and that the Time limited for the Emigration shall be fixed to the Space of Eighteen Months, to be computed from the Day of the Exchange of the Ratifications of the Treaty; you are, therefore, in all Things to conform yourself to this Stipulation, and to take Care that such of the French Inhabitants as intend to remove within the Time limited be not obstructed or impeded, provided they do not sell their Estates to others than His Majesty's Subjects, and that so long as they do in all Things conform thereto, in like Manner as Our other Subjects.

42. And it is Our further Will and Pleasure, that all and every the French Inhabitants in Our said Province, who are now possessed of Lands within the said Province, in virtue of Grants or Concessions made before the signing of the Preliminary Articles of Peace, on the 3d Day of November 1762, do, within such limited Time as you in your Discretion shall think fit, Register the several Grants, or other Deeds or Titles, by
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which they hold or claim such Lands in the Secretary's Office, which said Grants, Deeds, or other Titles, shall be entered at large in the said Office, so that the particular Quantity of Land, its Scite and Extent, the Conditions upon which it is granted, either as to Rents, Services, or Cultivation, may appear fully and at length.

43. And in case it shall appear upon a strict and accurate Examination of the said Grants and Title Deeds, to be taken in such Manner as you shall think proper, that any of the Grantees, or Persons claiming Lands under such Grants and Title Deeds, are in Possession of more Land than is contained within such Grants or other Concessions, or that the Terms and Conditions upon which the Lands were granted have not been complied with agreeable to what is stipulated in such Grants or Concessions, it is Our Will and Pleasure, that you forthwith represent the same to Us by Our Commissioners for Trade and Plantations, to the End you may receive such Directions thereupon as the Nature and Circumstances of the Case shall appear to require.

44. And whereas it is necessary, in order to the advantageous and effectual Settlement of Our said Province, that the true State of it should be fully known; you are therefore, as soon as conveniently may be, to cause an accurate Survey to be made of the said Province, by such able and skilful Person as is or shall be appointed for that Service, who is to report to you in Writing, for your Judgment in the Measures which you may in general pursue for the making of Settlements, not only the Nature and Quality of the Soil and Climate, the Rivers, Bays, and Harbours, and every other Circumstance attending the natural State of it, but also his Opinion in what Manner it may be most conveniently laid out into Counties, and to annex to his Report a Map of such Survey, with the several Divisions proposed marked upon it; but as the making such Survey will be a Work of great Length, you are in the mean Time to carry on Settlements upon that Plan which shall appear to you to be most expedient from the best Information you can collect.

45. And whereas it has been found by Experience that the settling Planters in Townships hath very much redounded to their Advantage, not only with respect to the Assistance they have been able to afford each other in their civil Concerns, but likewise with regard to the Security they have thereby acquired against the Insults and Incurfions of neighbouring Indians, or other Enemies; you are therefore to lay out Townships of a convenient Size and Extent in such Places as you in your Discretion shall judge most proper; and it is Our Will and Pleasure, that each Township do consist of about 20,000 Acres, having as far as may be natural Boundaries extending up into the Country, and comprehending a necessary Part of the River St. Lawrence, where it can conveniently be had.

46. You are also to cause a proper Place, in the most convenient Part of each Township, to be marked out for building a Town, sufficient to contain such a Number of Families as you shall judge proper to settle there, with Town and Pasture Lots convenient to each Tenement, taking Care that the said Town be laid out upon, or as near as conveniently may be, to some navigable River on the Sea Coast; and you are also to reserve to Us
proper

proper Quantities of Land in each Township for the following Purposes ; viz. for erecting Fortifications and Barracks where necessary, or for other Military or Naval Services, and more particularly for the Growth and Production of Naval Timber, if there are any Wood Lands fit for that Purpose.

47. And it is Our further Will and Pleasure that a particular Spot, in or as near such Town as possible, be set apart for the building a Church, and Four hundred Acres adjacent thereto allotted for the Maintenance of a Minister, and Two hundred for a Schoolmaster.

48. And you are to give strict Orders to the Surveyors whom you shall employ to mark out the said Townships and Towns to make Returns to you of their Surveys as soon as possible, with a particular Description of each Township, and the Nature of the Soil within the same.

49. And you are to oblige all such Persons as shall be appointed to be Surveyors of the said Lands in each Township to take an Oath for the due Performance of their Offices, and for obliging them to make exact Surveys of all Lands required to be set out.

50. And whereas nothing can more effectually tend to the speedy settling Our said Colony, the Security of the Property of Our Subjects, and the Advancement of Our Revenue, than the disposing of such Lands as are Our Property upon reasonable Terms, and the establishing a regular and proper Method of proceeding with respect to the passing of Grants of such Land: It is therefore Our Will and Pleasure, that all and every Person and Persons who shall apply to you for any Grant or Grants of Land shall, previous to their obtaining the same, make it appear before you in Council that they are in Condition to cultivate and improve the same, by settling thereon, in Proportion to the Quantity of Acres desired, a sufficient Number of White Persons and Negroes ; and in case you shall, upon a Consideration of the Circumstances of the Person or Persons so applying for such Grants, think it adviseable to pass the same, in such Case you are to cause a Warrant to be drawn up, directed to the Surveyor General or other proper Officers, empowering him or them to make a faithful and exact Survey of the Lands so petitioned for, and to return the said Warrant, within Six Months at farthest from the Date thereof, with a Plot or Description of the Lands so surveyed thereunto annexed ; provided that you do take Care, that before any such Warrant is issued as aforesaid, a Docquet thereof be entered into the Auditor's and Register's Office ; and when the Warrant shall be returned by the said Surveyor or other proper Officer, the Grant shall be made out in due Form, and the Terms and Conditions required by these Our Instructions be particularly and expressly mentioned in the respective Grants: And it is Our Will and Pleasure that the said Grants shall be registered within Six Months from the Date thereof, in the Register's Office there, and a Docquet thereof be also entered in Our Auditor's Office there, in case such Establishment shall take Place in Our said Province, or that in Default thereof such Grant shall be void, Copies of all which Entries shall be returned regularly by the proper Officers to Our Commissioners of Our Treasury, and

to Our Commissioners for Trade and Plantations, within Six Months from the Date thereof.

51. And whereas great Inconveniences have arisen in many of Our Colonies in America, from the granting excessive Quantities of Land to particular Persons, who have never cultivated or settled it, and have thereby prevented others more industrious from improving the same: In order therefore to prevent the like Inconveniences for the future, you are to take especial Care that in all Grants to be made by you, by and with the Advice and Consent of Our Council, to Persons applying for the same, the Quantity be in Proportion to their Ability to cultivate; and you are hereby directed to observe the following Directions and Regulations in all Grants to be made by you; viz.

That One hundred Acres of the Land be granted to every Person being Master or Mistress of a Family, for himself or herself, and Fifty Acres for every White or Black Man, Woman, or Child, of which such Person's Family shall consist, at the actual Time of making the Grant; and in case any Person applying to you for Grants of Land shall be desirous of taking up a larger Quantity than the actual Number of Persons in his or her Family would entitle such Persons to take up, it is Our Will and Pleasure, and you are hereby allowed and permitted to grant unto every such Person or Persons such further Quantity of Land as they may desire, not exceeding 1000 Acres, over and above what they are entitled to by the Number of Persons in their respective Families, provided it shall appear to you that they are in a Condition and Intention to cultivate the same, and provided also that they do pay to the Receiver of Our Quit Rents, or to such other Officer as shall be appointed to receive the same, the Sum of Five Shillings only for every Fifty Acres so granted, on the Day of the Date of the Grant.

That all Grantees be subject to the Payment of Two Shillings Sterling for every hundred Acres, to commence at the Expiration of Two Years from the Date of such Grant, and to be paid Yearly and every Year, or in Default of such Payment the Grant to be void.

That every Grantee, upon giving Proof that he or she has fulfilled the Terms and Conditions of his or her Grants, shall be entitled to another Grant, in the Proportion and upon the Conditions above mentioned.

That for every Fifty Acres of Land accounted plantable each Patentee shall be obliged, within Three Years after the Date of his Patent, to clear and work Three Acres at the least, in that Part of his Tract which he shall judge most convenient and advantageous, or else to clear and drain Three Acres of Swampy or Sunken Grounds, or drain Three Acres of Marsh, if any such be within the Grounds of his Grant.

That for every Fifty Acres of Land accounted barren every Patentee shall be obliged to put and keep on his Land, within Three Years after the Date of his Grant, Three Neat Cattle, which Number he shall be obliged to continue on his Land until Three Acres for every Fifty be fully cleared and improved.

That if any Person shall take up a Tract of Land wherein there shall be no Part fit for present Cultivation, without manuring and improving the same, every such Grantee shall be obliged, within Three Years from the Date of his Grant, to erect on some Part of his Land One good Dwelling House,

House, to contain at least Twenty Feet in Length, and Sixteen Feet in Breadth; and also to put on his Land the like Number of Three Neat Cattle for every Fifty Acres.

That if any Person who shall take up any stony or rocky Grounds, not fit for planting or Pasture, shall within Three Years after the passing of his Grant begin to employ thereon, and so continue to work for Three Years then next ensuing, in digging any Stone Quarry or other Mine, One good and able Hand for every Hundred Acres of such Tract, it shall be accounted a sufficient Cultivation and Improvement.

That every Three Acres which shall be cleared and worked as aforesaid, and every Three Acres which shall be cleared and drained as aforesaid, shall be accounted a sufficient Seating, Planting, Cultivation, and Improvement, to save for ever from Forfeiture Fifty Acres of Land in any Part of the Tract contained within the same Patent, and the Patentee shall be at Liberty to withdraw his Stock, or to forbear working in any Quarry or Mine, in Proportion to such Cultivation and Improvement as shall be made upon the plantable Lands, or upon the Swamps, Sunken Grounds, and Marshes, which shall be included in the same Patent.

That when any Person, who shall hereafter take up and patent any Lands, shall have seated, planted, and cultivated, or improved the said Land, or any Part of it, according to the Directions and Conditions above mentioned, such Patentee may make Proof of such Seating, Planting, Cultivation, and Improvement in the general Court of the County, District, or Precinct where such Lands shall lie, and have such Proof certified to the Register's Office, and there entered with the Record of the said Patent, a Copy of which shall be admitted on any Trial to prove the Seating and Planting of such Land.

And lastly, in order to ascertain the true Quantity of plantable and barren Land contained in each Grant hereafter to be made, within Our said Province, you are to take especial Care that in all Surveys hereafter to be made every Surveyor be required and enjoined to take particular Notice, according to the best of his Judgment and Understanding, how much of the Land so surveyed is plantable, and how much of it is barren and unfit for Cultivation, and accordingly to insert in the Survey and Plot by him to be returned into the Register's Office the true Quantity of each Kind of Land.

52. And it is Our further Will and Pleasure, that in all Grants of Land to be made by you as aforesaid, Regard be had to the profitable and unprofitable Acres, so that each Grantee may have a proportionable Number of One Sort and the other, as likewise that the Breadth of each Tract of Land to be hereafter granted be One Third of the Length of such Tract; and that the Length of each Tract do not extend along the Banks of any River, but into the Main Land, that thereby the said Grantees may have each a convenient Share of what Accommodation the said River may afford for Navigation or otherwise.

53. And whereas it hath been represented to Us, that many Parts of the Province under your Government are particularly adapted to the Growth and Culture of Hemp and Flax; it is therefore Our Will and Pleasure, that in all Surveys of Land for Settlement the Surveyor be directed to report whether there is any, or what Quantity of Lands contained within such Sur-
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vey fit for the Production of Hemp and Flax; and you are to take particular Care to insert a Clause in every Grant of Land where any Part thereof is fit for such Production, obliging the Grantee Annually to sow a proportionable Part of his Grant with Hemp and Flax Seed.

54. And whereas it has been further represented to Us, that a great Part of the Country in the Neighbourhood of Lake Champlain, and between that Lake and the River St. Lawrence, abounds with Woods, producing Trees fit for Masting for Our Royal Navy, and other useful and necessary Timber for Naval Construction, you are therefore expressly directed and required to cause such Parts of the said Country, or any other within your Government that shall appear upon a Survey to abound with such Trees, and shall lie convenient for Water Carriage, to be reserved to Us, and to use your utmost Endeavour to prevent any Waste being committed upon the said Tracts, by punishing in due Course of Law any Persons who shall cut down or destroy any Trees growing thereon; and you are to consider and advise with Our Council, whether some Regulation that shall prevent any Saw Mills whatever from being erected within your Government, without a Licence from you, or the Commander in Chief of Our said Province for the Time being, may not be a Means of preventing all Waste and Destruction in such Tracts of Land as shall be reserved to Us for the Purposes aforesaid.

55. And whereas it appears from the Representations of Our Governor of the District of Trois Rivières, that the Iron Works at St. Maurice in that District are of great Consequence to Our Service; it is therefore Our further Will and Pleasure that no Part of the Lands upon which the said Iron Works were carried on, or from which the Ore used in such Works was procured, or which shall appear to be necessary and convenient for that Establishment, either in respect to a free Passage to the River St. Lawrence, or for producing a necessary Supply of Wood, Corn, and Hay, or for Pasture for Cattle, be granted to any private Person whatever, and also that as large a District of Land as conveniently may be, adjacent to and lying round the said Iron Works, over and above what may be necessary for the above Purposes, be reserved for Our Use, to be disposed of in such Manner as We shall hereafter direct and appoint.

56. And whereas it is necessary that all Persons who may be desirous of settling in Our said Province should be fully informed of the Terms and Conditions upon which Lands will be granted in our said Province, you are therefore as soon as possible to cause a Publication to be made, by Proclamation or otherwise, as you in your Discretion shall think most adviseable of all and every the foregoing Terms, Conditions, and Regulations of every Kind, respecting the Grants of Land; in which Proclamation it may be expedient to add some short Description of the natural Advantages of the Soil and Climate, and its peculiar Conveniences for Trade and Navigation, and you are to take such Steps as you shall think proper for the publishing such Proclamation in all the Colonies in North America.

57. And it is Our further Will and Pleasure, that all the foregoing Instructions to you, as well as any which you may hereafter receive relative to the Form and Method of passing Grants of Land, and the Terms and Con-

zions to be annexed to such Grants themselves, for the Information and Satisfaction of all Parties whatever that may be concerned therein.

58. And it is Our further Will and Pleasure, that you do consider of a proper and effectual Method of collecting, receiving, and accounting for Our Quit Rents, whereby all Frauds, Concealment, Irregularity, or Neglect therein, may be prevented, and whereby the Receipt thereof may be effectually checked and controlled; and if it shall appear necessary to pass an Act for the more effectually ascertaining, and the more speedily and regularly collecting Our Quit Rents, you are to prepare the Heads of such a Bill as you shall think may most effectually conduce to the procuring the good Ends proposed, and to transmit the same to Our Commissioners for Trade and Plantations, in order to be laid before Us for Our further Directions therein.

59. And it is Our further Will and Pleasure, that the Surveyor General, or such other Person or Persons as you shall think proper to appoint, do, Once in every Year, or oftener, as Occasion shall require, inspect the State of all Grants of Land made by you, and make Report thereof to you in Writing, specifying whether the Conditions therein contained have or have not been complied with, or what Progress has been made towards fulfilling the same; and you are Annually to transmit Copies of such Reports to Our Commissioners for Trade and Plantations.

60. And whereas Our Province of Quebec is in Part inhabited and possessed by several Nations and Tribes of Indians, with whom it is both necessary and expedient to cultivate and maintain a strict Friendship and good Correspondence, so that they may be induced by Degrees not only to be good Neighbours to our Subjects, but likewise themselves to become good Subjects to Us; you are therefore, as soon as you conveniently can, to appoint a proper Person to assemble and treat with the said Indians, promising and assuring them of Protection and Friendship on Our Part, and delivering them such Presents as shall be sent to you for that Purpose.

61. And you are to inform yourself with the greatest Exactness of the Number, Nature, and Disposition of the several Bodies or Tribes of Indians, of the Manner of their Lives, and the Rules and Constitutions by which they are governed or regulated; and you are upon no Account to molest or disturb them in the Possession of such Parts of the said Province as they at present occupy or possess, but to use the best Means you can for conciliating their Affections, and uniting them to Our Government, reporting to Us, by Our Commissioners for Trade and Plantations, whatever Information you can collect with respect to these People, and the Whole of your Proceeding with them.

62. Whereas We have, by Our Proclamation, dated the 7th Day of October, in the Third Year of Our Reign, strictly forbid, on Pain of Our Displeasure, all Our Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands reserved to the several Nations of Indians with whom We are connected, and who live under Our Protection, without Our especial Leave for that Purpose first obtained; it is Our express Will and Pleasure, that you take the most effectual Care that Our Royal Directions herein be punctually complied with, and that the Trade with such of the said Indians as depend upon your Government be carried

on in the Manner and under the Regulations prescribed in Our said Proclamation.

63. You are to use your best Endeavours in improving the Trade in those Parts, by settling such Orders and Regulations therein, with the Advice of Our said Council, as may be most acceptable to the Generality of the Inhabitants; and it is Our express Will and Pleasure that you do not, upon any Pretence whatever, upon Pain of Our highest Displeasure, give your Assent to any Law or Laws for setting up any Manufactures, and carrying on any Trades which are hurtful and prejudicial to this Kingdom, and that you do use your utmost Endeavour to discourage, discountenance, and restrain any Attempts which may be made to set up such Manufactures, or establish any such Trades.

64. Whereas, by the 5th and 6th Articles of the Treaty of Peace and Neutrality in America, concluded between England and France the 6-16th Day of November 1686, the Subjects and Inhabitants of each Kingdom are prohibited to trade and fish in all Places possessed, or which shall be possessed by the others in America; and if any Ships shall be found trading contrary to the said Treaty, upon due Proofs the said Ships shall be confiscated; but in case the Subjects of either King shall be forced by Stress of Weather, Enemies, or other Necessity, into the Ports of the other in America, they shall be treated with Humanity and Kindness, and may provide themselves with Victuals and other Things necessary for their Sustainance, and the Reparation of their Ships, at reasonable Rates, provided they do not break Bulk, nor carry any Goods out of their Ships, exposing them to Sale, nor receive any Merchandize on Board, under Penalty of Confiscation of Ship and Goods: It is therefore Our Will and Pleasure, that you signify to Our Subjects under your Government the Purport and Intent of the abovesaid Two Articles; and that you take particular Care that none of the French Subjects be allowed to trade from their said Settlements to the Province under your Government, or to fish upon the Coast thereof.

65. And it is Our Will and Pleasure, that you do not dispose of any Forfeitures or Escheats to any Person until the Sheriff or other proper Officer have made Enquiry by a Jury, upon their Oaths, into the true Value thereof, nor until you have transmitted to Our Commissioners of Our Treasury, and to Our Commissioners for Trade and Plantations, a particular Account of such Forfeitures and Escheats, and the Value thereof: And you are to take Care that the Produce of such Forfeitures and Escheats, in case We shall think proper to give you Directions to dispose of the same, be duly paid to Our Treasurer or Receiver General of Our said Province, and a full Account transmitted to Our Commissioners of Our Treasury, or Our High Treasurer for the Time being, and to Our Commissioners for Trade and Plantations, with the Names of the Persons to whom disposed.

66. And whereas Commissions have been granted unto several Persons in Our respective Plantations in America for the trying of Pirates in those Parts, pursuant to the Acts for the more effectual Suppression of Piracy; and by a Commission already sent to Our Province of New York, Our
Governor

Governor there is impowered, together with Orders therein mentioned, to proceed accordingly in Reference to Our said Province; Our Will and Pleasure is, that you do use your best Endeavours to apprehend all Persons whatever who may have been guilty of Piracy within your Government, or who, having committed such Crimes at other Places, may come within your Jurisdiction, and until We shall think proper to direct the like Commission to be established for Our Government of Quebec, you are to send such Pirates, with what Proofs of their Guilt you can procure or collect, to Our Governor of New York, to be tried and punished under the Authority of the Commission established for those Parts.

67. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain and of Our Plantations, a Commission, constituting you Vice Admiral of Our said Province, you are hereby required and directed carefully to put into Execution the several Powers thereby granted to you.

68. Whereas great Inconvenience has happened heretofore by Merchant Ships and other Vessels in the Plantations wearing the Colours borne by Our Ships of War, under Pretence of Commissions granted to them by the Governors of the said Plantations, and by trading under those Colours, not only amongst Our own Subjects, but also those of other Princes and States, and committing divers Irregularities, they may very much dishonour Our Service; for preventing thereof, you are to oblige the Commanders of all such Ships to which you shall grant Commissions, to wear no other Colours than such as are described in an Order of Council of the 7th of January 1730, in relation to Colours to be worn by all Ships and Vessels except Our Ships of War.

69. And whereas there have been great Irregularities in the Manner of granting Commissions in the Plantations to private Ships of War, you are to govern yourself, whenever there shall be Occasion, according to the Commissions and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprizal against any Prince or State, or their Subjects, in Amity with Us, to any Person whatsoever, without Our special Command.

70. Whereas We have been informed that, during the Time of War, Our Enemies have frequently got Intelligence of the State of Our Plantations, by Letters from private Persons to their Correspondents in Great Britain, taken on Board Ships coming from the Plantations, which has been of dangerous Consequence; Our Will and Pleasure, therefore, is, that you signify to all Merchants, Planters, and others, that they be very cautious in Time of War whenever that shall happen, in giving an Account by Letters of the public State and Condition of Our Province under your Government; and you are further to give Directions to all Masters of Ships, or other Persons to whom you may entrust your Letters, that they put such Letters into a Bag, with a sufficient Weight to sink the same immediately, in case of imminent Danger from the Enemy; and you are also to let the Merchants and Planters know how greatly it is for their Interest that their Letters should not fall into the Hands of the
Enemy,

Enemy, and therefore that they should give like Orders to Masters of Ships in relation to their Letters; and you are further to advise all Masters of Ships, that they do sink all Letters in case of Danger, in the Manner before mentioned.

71. And whereas in Time of War the Merchants and Planters in Our Plantations in America did correspond and trade with Our Enemies, and carry Intelligence to them, to the great Prejudice and Hazard of Our said Plantations, you are therefore, by all possible Methods, to endeavour to hinder such Trade and Correspondence in Time of War.

72. And you are to report to Us, by Our Commissioners for Trade and Plantations,

What is the Nature of the Soil and Climate of the Province under your Government? if it differs in these Circumstances from Our other Northern Colonies; in what that Difference consists? and what beneficial Articles of Commerce the different Parts of it are capable of producing?

What Rivers there are, and of what Extent and Convenience to the Planters?

What are the principal Harbours, how situated, of what Extent, and what is the Depth of Water, and Nature of the Anchorage in each of them?

What Quantity of Land is now under actual Improvement and Settlement?

What are the chief Articles of Produce and Culture; the Annual Amount of the Quantity of each; and upon what Terms and Conditions the Inhabitants hold their Lands, either of Cultivation, Rent, or Personal Service?

What is the Quantity, Nature, and Property of the Land uncultivated; how much of it is capable of Culture; and what Part thereof is private Property?

What is the Number of Inhabitants, Whites and Blacks, distinguishing each? What Number of the former is capable of bearing Arms, and what Number of the latter is Annually necessary to be supplied, in Proportion to the Land cultivated?

What was the Nature, Form, and Constitution of the Civil Government; what Judicatures were there established; and under what Regulations did the French Inhabitants carry on their Commerce?

73. You are from Time to Time to send unto Us, by Our Commissioners for Trade and Plantations as aforesaid, an Account of the Increase and Decrease of the Inhabitants, Whites and Blacks; and also an Account of all Persons born, christened, and buried.

74. Whereas it is absolutely necessary that We be exactly informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same; you are as soon as possible to prepare an Account thereof with relation to Our said Province, in the most particular Manner; and you are therein to express the present State of the Arms, Ammunition,

Ammunition, and other Stores of War belonging to the said Province, either in public Magazines, or in the Hands of private Persons, together with the State of all Places, either already fortified, or that you judge necessary to be fortified for the Security of Our said Province; and you are to transmit the said Accounts to Our Commissioners for Trade and Plantations, as also a Duplicate thereof to Our Master General or principal Officers of Our Ordnance; which Accounts are to express the Particulars of Ordnance, Carriages, Balls, Powder, and other Sorts of Arms and Ammunition, in Our Public Stores; and so from Time to Time, of what shall be sent you, or bought with the Public Money, and to specify the Time of the Disposal, and the Occasion thereof; and you are Half-yearly to transmit a general Account of the State of the Fortifications and Warlike Stores specified in the Manner above mentioned.

75. You are from Time to Time to give an Account what Strength your Neighbours have by Sea and Land, and of the Condition of their Plantations; and what Correspondence you keep with them.

76. And in case of any Distress of any other of Our Plantations, you shall, upon Application of the respective Governors thereof unto you, assist them with what Aid the Condition and Safety of Our Province under your Government can spare.

77. If any Thing shall happen which may be of Advantage or Security to Our Province under your Government, which is not herein or by your Commission provided for, We do hereby allow unto you, with the Advice and Consent of Our Council, to take Order for the present therein; giving unto Our Commissioners for Trade and Plantations speedy Notice thereof, in order to be laid before Us, that you may receive Our Ratification if We shall approve the same: Provided always, that you do not, by Colour of any Power or Authority hereby given you, commence or declare War, without Our Knowledge and particular Commands therein.

78. And whereas We have, by the Second Article of these Our Instructions to you, directed and appointed that your chief Residence shall be at Quebec; you are nevertheless frequently to visit the other Parts of your Government, in order to inspect the Management of all Public Affairs, and thereby the better to take Care that the Government be so administered, that no disorderly Practices may grow up contrary to Our Service, and the Welfare of Our Subjects.

79. And whereas great Prejudice may happen to Our Service and the Security of Our Province, by your Absence from those Parts, you are not, upon any Pretence whatsoever, to come into Europe, without having first obtained Leave for so doing from Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council; yet nevertheless, in case of Sickness, you may go to South Carolina, or any other of Our Southern Plantations, and there stay for such Space of Time as the Recovery of your Health may absolutely require.

80. And whereas We have thought fit by Our Commission to direct, that in case of your Death or Absence, and the Death or Absence of Our

Lieutenant Governors of Montreal and Trois Rivieres, and in case there be at that Time no Person within Our said Province commissioned or appointed by Us to be Commander in Chief, that the eldest Councillor who shall be at the Time of your Death or Absence, or at the Death or Absence of Our Lieutenant Governors as aforesaid, residing within Our said Province under your Government, shall take upon him the Administration of Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein directed: It is nevertheless Our express Will and Pleasure, that in such Case the said President shall forbear to pass any Act or Acts, but what are immediately necessary for the Peace and Welfare of the said Province, without Our particular Order for that Purpose; and that he shall not remove or suspend any of the Members of Our Council, nor any Judges, Justices of the Peace, or other Officers, Civil or Military, without the Advice and Consent of at least Seven of the Members of Our said Council, nor even then without good and sufficient Reasons for the same, which the said President is to transmit, signed by himself and the rest of the said Council, to Our Commissioners for Trade and Plantations, by the First Opportunity, in order to be laid before Us.

81. And whereas We are willing in the best Manner to provide for the Support of the Government of Our Province aforesaid, of which you are Governor, by setting apart sufficient Allowances to such as shall be Our Governor or Commander in Chief residing for the Time being within the same; Our Will and Pleasure is, that when it shall happen that you are absent from Our said Province, One full Moiety of the Salary, and all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall, during the Time of your Absence, be paid and satisfied unto Our Commander in Chief, who shall be resident within Our said Province for the Time being, which we do hereby order and allot unto him for his Maintenance, and for the better Support of the Dignity of that Our Government.

82. And you are upon all Occasions to send unto Our Commissioners for Trade and Plantations only a particular Account of all your Proceedings, and of the Condition of Affairs within your Government, in order to be laid before Us: Provided nevertheless, whenever any Occurrences shall happen within your Government, of such a Nature and Importance as may require Our more immediate Directions, by One of Our principal Secretaries of State, and also upon all Occasions, and in all Affairs wherein you may receive Our Orders by One of Our principal Secretaries of State, you shall, in all such Cases, transmit to our Secretary of State only, an Account of all such Occurrences, and of your Proceedings relative to such Orders.

G. R.

COPY of the 48th and 49th Articles of his late Majesty's
Instructions to Charles Lawrence, Esquire, Governor of
the Province of Nova Scotia.

OUR Will and Pleasure is, that you or the Commander in Chief of Our said Colony for the Time being, do in all Civil Causes, on Application made to the Commander in Chief for the Time being for that Purpose, permit and allow Appeals from any of the Courts of Common-Law, in Our said Colony unto you or the Commander in Chief, and to the Council of Our said Colony; and you are for that Purpose to issue a Writ in the Manner which has been usually accustomed, returnable before yourself and the Council of Our said Colony, who are to proceed to hear and determine such Appeal, wherein such of Our said Council as shall be at that Time Judges of the Court from whence such Appeal shall be made to you Our Captain General, or to the Commander in Chief for the Time being, and to Our said Council as aforesaid, shall not be admitted to vote upon the said Appeal, but they may nevertheless be present at the hearing thereof, to give the Reasons of the Judgment given by them in the Causes wherein such Appeals shall be made: Provided nevertheless, that in all such Appeals the Sum or Value appealed for do exceed the Sum of Three hundred Pounds Sterling, and that Security be first given by the Appellant to answer such Charges as shall be awarded in case the First Sentence be affirmed; and if either Party shall not rest satisfied with the Judgment of you, or the Commander in Chief for the Time being, and Council as aforesaid, Our Will and Pleasure is, that they may then appeal unto Us in Our Privy Council, provided the Sum or Value so appealed for unto Us exceed Five hundred Pounds Sterling, and that such Appeal be made within Fourteen Days after Sentence, and good Security given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in case the Sentence of you, or the Commander in Chief for the Time being, and Council, be affirmed: Provided nevertheless, where the Matter in Question relates to the taking or-demanding any Duty payable to Us, or to any Fee of Office, or Annual Rent, or other such like Matter or Thing, where the Right in future may be bound, in all such Cases you are to admit an Appeal to Us in Our Privy Council, though the immediate Sum or Value appealed for be of less Value; and it is Our further Will and Pleasure, that in all Cases where by your Instructions you are to admit Appeals to Us in Our Privy Council, Execution be suspended until the final Determination of such Appeals, unless good and sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by Means of such Judgment or Decree, in case, upon the Determination of such Appeal, such Appeal or Judgment should be reversed, and the Restitution awarded to the Appellant.

49. You are also to permit Appeals unto Us, in Our Privy Council, in all Cases of Fines imposed for Misdemeanors; provided the Fines so imposed amount to or exceed the Value of One hundred Pounds Sterling, the
Appellant

Appellant first giving good Security that he will effectually prosecute the same, and answer the Condemnation, if the Sentence by which such Fines were imposed shall be confirmed.

N° 6.

COPY of Instructions to Guy Carleton, Esquire, Captain General and Governor in Chief in and over the Province of Quebec in America, and of all the Territories dependent thereupon. Dated St. James's, 3d January, 1775.

G E O R G E R.

(L. S.) INSTRUCTIONS to Our Trusty and Well-belove
Guy Carleton, Esq. Our Captain General and Governor
in Chief in and over Our Province of Quebec, in
America, and of all Our Territories dependent thereupon
Given at Our Court at St. James's, the 3d Day of Ja
nuary, 1775, in the Fifteenth Year of Our Reign.

1. **W**ITH these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain, constituting you Our Captain General and Governor in Chief in and over Our Province of Quebec, in America, and all Our Territories thereunto belonging, as the said Province and Territories are bounded and described in and by the said Commission; you are therefore to take upon you the Execution of the Office and Trust We have reposed in you, and the Administration of the Government, and to do and execute all Things in due Manner that shall belong to your Command, according to the several Powers and Authorities of Our said Commission under Our Great Seal of Great Britain, and these Our Instructions to you, or according to such further Powers and Instructions as shall at any Time hereafter be granted, appointed under Our Signet or Sign Manual, or by Our Order in Our Privy Council; and you are to call together at Quebec (which We do hereby appoint to be the Place of your ordinary Residence, and the principal Seat of Government) the following Persons, whom We do hereby, with the Advice of Our Privy Council, constitute and appoint to be Our Council for the Affairs of Our said Province of Quebec, and the Territories thereunto belonging, viz. Hector Theophilus Cramartié, Esquire, Our Lieutenant Governor of Our said Province, or Our Lieutenant Governor of Our said Province for the Time being, Our Chief Justice of Our Province for the Time being, Hugh Finlay, Thomas Dunn, James Cuthbert, Colin Drummond, Francis Les Vesques, Edward Harrison, John Collins, Adam Mabeau, De Lacy, St. Ours, Pica
dyde, Contreccœur, Our Secretary of Our said Province

vince for the Time being, George Alsöpp, De la Naudise, La Corne
 St. Luc, Alexander Johnstone, Conrad Gugy, Bellestres
 Rigauville, and John Frazer, Esquires, all and every of which Person and Per-
 sons shall hold and enjoy his and their Office and Offices of Councilor or
 Councillors for Our said Province of Quebec for and during Our Will and
 Pleasure, and his or their Residence within Our said Province, and not
 otherwise.

2. It is Our further Will and Pleasure, that any Five of the said Coun-
 cil shall constitute a Board of Council for transacting all Business in which
 their Advice and Consent may be requisite, Acts of Legislation only ex-
 cepted (in which Case you are not to act without a Majority of the Whole) :
 And it is Our further Will and Pleasure, that the Members of Our said
 Council shall have and enjoy all the Powers, Privileges, and Emolu-
 ments enjoyed by the Members of Our Councils in Our other Planta-
 tions, and also such others as are contained and directed in Our said Com-
 mission under Our Great Seal of Great Britain, and in these Our Instruc-
 tions to you ; and that they shall meet together at such Time and Times,
 Place and Places, as you in your Discretion shall think necessary, except
 when they meet for the Purpose of Legislation, in which Case they are
 to be assembled at the Town of Quebec only.

3. And you are with all due and usual Solemnity to cause Our said
 Commission to be read and published at the said Meeting of Our Council,
 which being done, you shall then take and also administer to each of the
 Members of our said Council (not being a Canadian, professing the Reli-
 gion of the Church of Rome) the Oaths mentioned in an Act, passed in
 the First Year of the Reign of his Majesty King George the First, intituled,
 "An Act for the further Security of His Majesty's Person and Government,
 "and the Succession of the Crown in the Heirs of the late Princess Sophia,
 "being Protestants, and for extinguishing the Hopes of the pretended
 "Prince of Wales, and his open and secret Abettors," as altered and ex-
 plained by an Act, passed in the Sixth Year of Our Reign, intituled, "An
 "Act for altering the Oath of the Abjuration, and the Assurance, and for
 "amending so much of an Act of the Seventh Year of her late Majesty
 "Queen Anne, intituled, An Act for the Improvement of the Union of
 "the Two Kingdoms, as after the Time therein limited requires the De-
 "livery of certain Lists and Copies therein mentioned to Persons indicted
 "of High Treason, or Misprision of Treason," as also make and subscribe,
 and cause them to make and subscribe, the Declaration mentioned in an
 Act of Parliament, made in the Twenty-fifth Year of the Reign of King
 Charles the Second, intituled, "An Act for preventing Dangers which
 "may happen from Popish Reculants:" And you, and every one of
 them, are likewise to take an Oath for the due Execution of your and
 their Places and Trusts, with regard to your and their equal and impartial
 Administration of Justice; and you are also to take the Oath required by
 an Act, passed in the Seventh and Eighth Years of the Reign of King Wil-
 liam the Third, to be taken by Governors of Plantations to do their ut-
 most that the Laws relating to the Plantations be observed.

4. And whereas by an Act, passed in the Fourteenth Year of Our
 Reign, intituled, "An Act for making more effectual Provision for the Go-
 "vernment of the Province of Quebec in North America," it is enacted

and provided, that no Person professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the Oath of Supremacy required by an Act, passed in the First Year of the Reign of Queen Elizabeth, or any other Oaths substituted by any other Act in the Place thereof, but that every such Person, who, by the said Statute, is required to take the Oaths therein mentioned, shall be obliged, and is thereby required, under certain Penalties, to take and subscribe an Oath in the Form and Words therein prescribed and set down: It is therefore Our Will and Pleasure that you do administer to each and every Member of Our said Council, being a Canadian, and professing the Religion of the Church of Rome, and cause each of them severally to take and subscribe the Oath mentioned in the said Act, passed in the Fourteenth Year of Our Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America;" and also cause them severally to take an Oath for the due Execution of their Places and Trusts, and for their equal and impartial Administration of Justice.

5. And that We may be always informed of the Names and Characters of Persons fit to supply the Vacancies which may happen in Our said Council, you are from Time to Time to transmit to Us, by One of Our Principal Secretaries of State, the Names and Characters of such Persons, Inhabitants of Our said Colony, whom you shall esteem the best qualified for that Trust; and you are also to transmit a Duplicate of the said Account to Our Commissioners for Trade and Plantations for their Information.

6. And if it shall at any Time happen that by the Death or Departure out of Our said Province of any of Our said Councillors, there shall be a Vacancy in our said Council, Our Will and Pleasure is, that you signify the same to Us by One of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations, by the first Opportunity, that we may, by Warrant under our Signet and Sign Manual, and with the Advice of Our Privy Council, constitute and appoint others in their Stead.

7. You are forthwith to communicate such and so many of these Our Instructions to Our said Council, wherein their Advice and Consent are mentioned to be requisite, as likewise all such others from Time to Time as you shall find convenient for Our Service to be imparted to them.

8. You are to permit the Members of our said Council to have and enjoy Freedom of Debate and Vote in all Affairs of Public Concern that may be debated in Council.

9. And whereas by the aforesaid Act, passed in the Fourteenth Year of Our Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America," it is further Enacted and Provided, that the Council for the Affairs of the said Province, to be constituted and appointed in Manner therein directed, or the major Part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government of the said Province, with the Consent of Our Governor, or in his Absence of the Lieutenant Governor or Commander in Chief for the Time being, provided that no Ordinance shall

shall be passed unless upon some urgent Occasion at any Meeting of the Council, except between the First Day of January and the First Day of May: And whereas the State and Condition of Our said Province do require that immediate Provision should be made by Law for a great Variety of Arrangements and Regulations essentially necessary for the Government thereof; it is therefore Our Will and Pleasure, that you do within a convenient Time issue Summons for the assembling of our said Council in their Legislative Capacity, either on the First Day of April next, or as soon after as may be convenient, in order to deliberate upon and frame such Ordinances as the Condition of Affairs within Our said Province shall require, and as shall in your and their Judgment be fit and necessary for the Welfare of Our said Province, and the Territories thereunto belonging.

10. You are nevertheless to take especial Care, That no Ordinance be passed at any Meeting of the Council where less than a Majority of the Council is present, or at any Time, except between the First Day of January and the First Day of May, as aforesaid, unless upon some urgent Occasion, in which Case every Member thereof, resident at Quebec, or within Fifty Miles thereof, shall be Personally summoned to attend the same.

That no Ordinance be passed for laying any Taxes or Duties, such Rates and Taxes only excepted as the Inhabitants of any Town or District may be authorized to assess, levy, and apply within the said Town or District, for the making Roads, erecting and repairing public Buildings, or for any other Purpose respecting the local Convenience and Economy of such Town or District.

That no Ordinance touching Religion, or by which any Punishment may be inflicted greater than Fine or Imprisonment for Three Months, be made to take Effect, until the same shall have received Our Approbation.

That no Ordinance be passed relative to the Trade, Commerce, or Fisheries of the said Province, by which the Inhabitants thereof shall be put upon a more advantageous Footing than any other His Majesty's Subjects, either of this Kingdom, or the Plantations.

That no Ordinance respecting private Property be passed without a Clause suspending its Execution until our Royal Will and Pleasure is known, nor without a Saving of the Right of Us, Our Heirs or Successors, and of all Bodies Politic and Corporate, and of all other Persons, except such as are mentioned in the said Ordinance, and those claiming by, from, and under them; and before such Ordinance is passed, Proof must be made before you in Council, and entered in the Council Books, that public Notification was made of the Parties Intention to apply for such Ordinance in the several Parish Churches where the Lands in Question lie, for Three Sundays at least successively before any such Ordinance shall be proposed; and you are to transmit and annex to the said Ordinance a Certificate under your Hand, that the same passed through all the Forms above-mentioned.

That no Ordinance shall be enacted for a less Time than Two Years, except in Cases of imminent Necessity, or immediate temporary Expediency; and you shall not re-enact any Ordinance to which Our Assent shall have been once refused, without express Leave for that Purpose first obtained from Us, upon a full Representation by you to be made to Us by One of Our Principal Secretaries of State, and to Our Commissioners for
Trade

Trade and Plantations, for their Information, of the Reasons and Necessity for passing such Ordinance; nor give your Assent to any Ordinance for repealing any other Ordinance which hath passed in your Government, and shall have received Our Royal Approbation, unless you take Care that there be a Clause inserted therein, suspending and deferring the Execution thereof until Our Pleasure shall be known concerning the same.

That in all Ordinances imposing Fines, Forfeitures, or Penalties, express Mention be made that the same is granted or reserved to Us, Our Heirs and Successors, for the public Uses of the said Province, and the Support of the Government thereof, as by the said Ordinance shall be directed; and that a Clause be inserted, declaring that the Money arising by the Operation of the said Ordinance shall be accounted for unto Us in this Kingdom, and to Our Commissioners of Our Treasury for the Time being, and audited by Our Auditor General of Our Plantations, or his Deputy.

That all such Ordinances be transmitted by you within Six Months after their passing, or sooner if Opportunity offers to Us, by One of Our Principal Secretaries of State, and Duplicates thereof to Our Commissioners for Trade and Plantations for their Information; that they be abstracted in the Margents, and accompanied with very full and particular Observations upon each of them, that is to say, whether the same is introductive to a new Law, or does repeal a Law then before in being; and you are also to transmit in the fullest Manner the Reasons and Occasion for enacting such Ordinances, together with fair Copies of the Journals of the Proceedings of the Council, which you are to require from the Clerk of the said Council.

11. In the Consideration of what may be necessary to be provided for by Law within our said Province, as created and established by the aforesaid Act, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America," a great Variety of important Objects hold themselves forth to the Attention of the Legislative Council.

12. The Establishment of Courts, and a proper Mode of administering Civil and Criminal Justice, throughout the whole Extent of Our Province, according to the Principles declared in the said Act, "for making more effectual Provision for the Government thereof," demand the greatest Care and Circumspection; for as on the one Hand it is Our gracious Purpose conformable to the Spirit and Intention of the said Act of Parliament, that our Canadian Subjects should have the Benefit and Use of their own Laws, Usages, and Customs, in all Controversies respecting Titles of Land, and the Tenure, Descent, Alienation, Incumbrances, and Settlement of Real Estates, and the Distribution of the Personal Property of Persons dying intestate; so on the other Hand it will be the Duty of the Legislative Council to consider well in framing such Ordinances, as may be necessary for the Establishment of Courts of Justice, and for the better Administration of Justice, whether the Laws of England may not be, if not altogether, at least in Part, the Rule for the Decision in all Cases of Personal Actions grounded upon Debts, Promises, Contracts, and Agreements, whether of a Mercantile or other Nature, and also of Wrongs proper to be compensated in Damages, and more especially where Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations, residing at Quebec,

bec, or who may resort thither, or have Credits or Property within the same, may happen to be either Plaintiff or Defendant in any Civil Suit of such a Nature.

13. Security to Personal Liberty is a fundamental Principle of Justice in all free Governments and the making due Provision for that Purpose is an Object the Legislature of Quebec ought never to lose Sight of; nor can they follow a better Example than that which the Common Law of this Kingdom hath set in the Provision made for a Writ of Habeas Corpus, which is the Right of every British Subject in this Kingdom.

14. With regard to the Nature and Number of the Courts of Justice, which it may be proper to establish, either for the whole Province at large, or separately for its Dependancies, and the Times and Places for holding the said Courts, no certain Rule can be laid down in a Case, in which the Judgment must, in many Respects at least, be altogether guided by Circumstances of local Convenience and Consideration.

15. In general it may be proper that there should be a Superior or Supreme Court of Criminal Justice and Jurisdiction, for the Cognizance of all Pleas of the Crown, and for the Trial of all Manner of Offences whatsoever, to be held before the Chief Justice for the Time being, at such Times and Places as shall be most convenient for the due and speedy Administration of Justice, and the preventing long Imprisonments, the said Court to be called and known by the Name of the Court of King's Bench; that for the more orderly Establishment and Regulation of Courts of Civil Jurisdiction, the Province of Quebec, as limited and bounded by the aforesaid Act of Parliament "for making more effectual Provision for the Government of the Province of Quebec, in North America," be divided into Two Districts, by the Names of Quebec and Montreal, each District to be limited and bounded in such Manner as shall be thought best adapted to the Object of the Jurisdiction to be established therein; that there be established in each of the said Districts a Court of Common Pleas, to be held at such Times and Places as shall be judged most convenient, and to have full Power, Jurisdiction, and Authority, to hear and determine all Civil Suits and Actions cognizable by the Court of Common Pleas in Westminster Hall, according to the Rules prescribed by the said Act of Parliament, "for making more effectual Provision for the Government of the Province of Quebec, in North America," and according to such Laws and Ordinances as shall from Time to Time be enacted by the Legislature of the said Province, in Manner therein directed; that there be Three Judges in each of the said Courts of Common Pleas, that is to say, Two of Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations, and One Canadian, and also One Sheriff appointed for each District; that besides the foregoing Courts of Criminal and Civil Jurisdiction for the Province at large, there be also an inferior Court of Criminal and Civil Jurisdiction in each of the Districts of the Illinois, St. Vincenne, Detroit, Missilimakinac, and Gaspée, by the Names of the Court of King's Bench for such District, to be held at such Times as shall be thought most convenient, with Authority to hear and determine in all Matters of a Criminal Nature according to the Laws of England, and the Laws of the Province hereafter to be made and passed, and in all Civil Matters according to the

Rules prescribed by the aforesaid Act of Parliament, "for making more effectual Provision for the Government of Quebec in North America;" that each of the said Courts shall consist of One Judge, being a natural born Subject of Great Britain, Ireland, or Our other Plantations, and of One other Person, being a Canadian, by the Name of Assistant or Assessor, to give Advice to the Judge in any Matter when it may be necessary, but to have no Authority or Power to attest or issue any Process, or to give any Vote in any Order, Judgment, or Decrees; that the said Judges, so to be appointed as aforesaid for each District, shall have the same Power and Authority in Criminal Cases as is vested in the Chief Justice of Our said Province, and also the same Power and Authority in Civil Cases as any other Judge of Common Pleas within Our said Province, excepting only that in Cases of Treason, Murder, or other Capital Felonies, the said Judges shall have no other Authority than that of Arrest and Commitment to the Gaols of Quebec or of Montreal, where alone Offenders in such Cases shall be tried before Our Chief Justice; that a Sheriff be appointed in each of the said Districts for the Execution of Civil and Criminal Process; that the Governor and Council (of which, in the Absence of the Governor and Lieutenant Governor, the Chief Justice is to be President) shall be a Court of Civil Jurisdiction for the hearing and determining all Appeals from the Judgment of the other Courts, where the Matter in Dispute is above the Value of Ten Pounds; that any Five of the said Council, with the Governor, Lieutenant Governor, or Chief Justice, shall constitute a Court for that Purpose, and that their Judgment shall be final in all Cases not exceeding the Value of £. 500 Sterling, in which Cases an Appeal from their Judgment is to be admitted to Us in Our Privy Council: It is however Our Will and Pleasure, that no Appeal be allowed, unless Security be first duly given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in case the Sentence be affirmed: Provided nevertheless, where the Matter in Question relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or Annual Rents or other such like Matter or Thing, where the Rights in future may be bound, in all such Cases Appeal to Us in Our Privy Council is to be admitted, though the immediate Sum or Value so appealed for be of less Value: And it is Our further Will and Pleasure, that in all Cases where Appeals are admitted unto Us in Our Privy Council, Execution be suspended until the final Determination of such Appeal, unless good and sufficient Security be given by the Appellee, to make ample Restitution of all that the Appellant shall have lost by Means of such Decree or Judgment, in case, upon the Determination of such Appeal, such Decree or Judgment should be reversed, and Restitution awarded to the Appellant; Appeals unto Us in Our Privy Council are also to be admitted in all Cases of Fines imposed for Misdemeanors, provided the Fines so imposed amount to or exceed the Sum of £. 100 Sterling, the Appellant first giving good Security that he will effectually prosecute the same, and answer the Condemnation, if the Sentence by which such Fine was imposed in Quebec be affirmed.

16. It is Our Will and Pleasure that all Commissions to be granted by

you to any Person or Persons to be Judges or Justices of the Peace, or other necessary Officers, be granted during Pleasure only.

17. You shall not displace any of the Judges, Justices of the Peace, or other Officers or Ministers, without good and sufficient Cause, which you shall signify in the fullest and most distinct Manner to Us by One of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations, for their Information.

18. And whereas frequent Complaints have heretofore been made of great Delays and undue Proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our good Subjects have very much suffered; and it being of the greatest Importance to Our Service, and to the Welfare of Our Plantations, that Justice be every where speedily and duly administered, and that all Disorders, Delays, and other undue Practices in the Administration thereof, be effectually prevented; We do particularly require you to take especial Care, that in all Courts where you are or shall be authorized to preside Justice be impartially administered; and that in all other Courts, established or to be established within our said Province, all Judges, and other Persons therein concerned, do likewise perform their several Duties without any Delay or Partiality.

19. You are to take Care, that all Writs be issued in Our Name throughout the Province under your Government.

20. The Establishment of proper Regulations in Matters of Ecclesiastical Concern is an Object of very great Importance, and it will be your indispensable Duty to lose no Time in making such Arrangements in regard thereto as may give full Satisfaction to Our new Subjects in every Point in which they have a Right to any Indulgence on that Head, always remembering that it is a Toleration of the free Exercise of the Religion of the Church of Rome only to which they are entitled, but not to the Powers and Privileges of it as an established Church, for that is a Preference which belongs only to the Protestant Church of England.

21. Upon these Principles, therefore, and to the End that Our just Supremacy in all Matters Ecclesiastical as well as Civil may have its due Scope and Influence, it is Our Will and Pleasure,

First, That all Appeals to, or Correspondence with, any foreign Ecclesiastical Jurisdiction, of what Nature or Kind soever, be absolutely forbidden, under very severe Penalties.

Secondly, That no Episcopal or Vicarial Powers be exercised within Our said Province, by any Person professing the Religion of the Church of Rome, but such only as are essentially and indispensably necessary to the free Exercise of the Romish Religion; and in those Cases not without a Licence or Permission from you, under the Seal of Our said Province, for and during Our Will and Pleasure, and under such other Limitations and Restrictions as may correspond with the Spirit and Provision of the Act of Parliament "for making more effectual Provision for the Government of the Province of Quebec;" and no Person whatever is to have Holy Orders conferred upon him, or to have the Cure of Souls, without a Licence for that Purpose first had and obtained from you.

Thirdly,

Thirdly, That no Person professing the Religion of the Church of Rome be allowed to fill any Ecclesiastical Benefice, or to have or enjoy any of the Rights or Profits belonging thereto, that is not a Canadian by Birth (such only excepted as are now in Possession of any such Benefice) and that is not appointed thereto by Us, or by or under Our Authority; and that all Right or Claim of Right, in any other Person whatever, to nominate, present, or appoint to any vacant Benefice, other than such as may lay Claim to the Patronage of Benefices as a Civil Right, be absolutely abolished: No Person to hold more than One Benefice, or at least not more than can reasonably be served by One and the same Incumbent.

Fourthly, That no Person whatever, professing the Religion of the Church of Rome, be appointed Incumbent of any Parish, in which the Majority of the Inhabitants shall solicit the Appointment of a Protestant Minister; in such Case the Incumbent shall be a Protestant, and entitled to all Tythes payable within such Parish; but nevertheless the Roman Catholics may have the Use of the Church for the free Exercise of their Religion, at such Time as may not interfere with the Religious Worship of the Protestants: And in like Manner the Protestant Inhabitants in every Parish, where the Majority of Parishioners are Roman Catholics, shall notwithstanding have the Use of the Church for the Exercise of their Religion, at such Times as may not interfere with the Religious Worship of the Roman Catholics.

Fifthly, That no Incumbent professing the Religion of the Church of Rome appointed to any Parish, shall be entitled to receive any Tythes for Lands or Possessions occupied by a Protestant, but such Tythes shall be received by such Persons as you shall appoint, and shall be reserved in the Hands of Our Receiver General as aforesaid, for the Support of a Protestant Clergy in Our said Province, to be actually resident within the same, and not otherwise, according to such Directions as you shall receive from Us in that Behalf; and in like Manner all growing Rents and Profits of a vacant Benefice shall during such Vacancy be reserved for and applied to the like Uses.

Sixthly, That all Persons professing the Religion of the Church of Rome, which are already possessed of, or may hereafter be appointed to any Ecclesiastical Benefice, or who may be licensed to exercise any Power or Authority in respect thereto, do take and subscribe, before you in Council, or before such Person as you shall appoint to administer the same, the Oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the Fourteenth Year of Our Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America."

Seventhly, That all Incumbents of Parishes shall hold their respective Benefices during good Behaviour, subject however, in Cases of any Conviction for Criminal Offences, or upon due Proof of seditious Attempts to disturb the Peace and Tranquillity of Our Government, to be deprived or suspended by you, with the Advice and Consent of a Majority of Our said Council.

Eighthly, That such Ecclesiastics as may think fit to enter into the holy

holy State of Matrimony shall be releas'd from all Penalties to which they may have been subjected in such Cases, by any Authority of the See of Rome.

Ninthly, That Freedom of Burial of the Dead in Churches and Church Yards be allowed, indiscriminately, to every Christian Persuasion.

Tenthly, That the Royal Family be prayed for in all Churches and Places of Holy Worship, in such Manner and Form as are used in this Kingdom, and that our Arms and Insignia be put up, not only in all such Churches and Places of Holy Worship, but also in all Courts of Justice; and that the Arms of France be taken down in every such Church or Court, where they may at present remain.

Eleventhly, That the Society of Romish Priests called the Seminaries of Quebec and Montreal, shall continue to possess and occupy their Houses of Residence, and all other Houses and Lands to which they were lawfully entitled on the 13th of September 1759; and it shall be lawful for those Societies to fill up Vacancies, and admit new Members, according to the Rules of their Foundations, and to educate Youth in order to qualify them for the Service of Parochial Cures, as they shall become vacant: It is nevertheless Our Will and Pleasure, that not only these Seminaries, but all other Religious Communities, so long as the same shall continue, be subject to Visitation by you Our Governor, or such other Person or Persons as you shall appoint for that Purpose, and also subject to such Rules and Regulations as you shall, with the Advice and Consent of Our Council, think fit to establish and appoint.

Twelfthly, It is also Our Will and Pleasure, that all other Religious Seminaries and Communities (that of the Jesuits only excepted) do for the present, and until We can be more fully informed of the true State of them, and how far they are or are not essential to the free Exercise of the Religion of the Church of Rome, as allowed within Our said Province, remain upon their present Establishment; but you are not to allow the Admission of any new Members into any of the said Societies or Communities, the Religious Communities of Women only excepted, without our express Orders for that Purpose: That the Society of Jesuits be suppressed and dissolved, and no longer continued as a Body Corporate and Politic, and all their Rights, Possessions, and Property shall be vested in Us for such Purposes as We may hereafter think fit to direct or appoint; but We think fit to declare Our Royal Intention to be, that the present Members of the said Society, as established at Quebec, shall be allowed sufficient Stipends and Provisions during their natural Lives: That all Missionaries amongst the Indians, whether established under the Authority of, or appointed by the Jesuits, or by any other Ecclesiastical Authority of the Romish Church, be withdrawn by Degrees, and at such Times, and in such Manner, as shall be satisfactory to the said Indians, and consistent with the Public Safety, and Protestant Missionaries appointed in their Places: That all Ecclesiastical Persons whatsoever, of the Church of Rome, be inhibited, upon Pain of Deprivation, from influencing any Person in the making a Will, from inveigling Protestants to become Papists, or from tampering with

them in Matters of Religion, and that the Romish Priests be forbid to inveigh in their Sermons against the Religion of the Church of England, or to marry, baptize, or visit the Sick, or bury any of our Protestant Subjects, if a Protestant Minister be upon the Spot.

22. You are at all Times, and upon all Occasions, to give every Countenance and Protection in your Power to such Protestant Ministers and Schoolmasters as are already established within Our said Province, or may hereafter be sent thither, to take Care that such Stipends and Allowances as we may think fit to appoint for them be duly paid: That the Churches already appropriated, or which may hereafter be appropriated, to the Use of Divine Worship, according to the Rites of the Church of England as by Law established, be well and orderly kept; and as the Number of Protestants shall by God's Blessing increase, to lay out new Parishes in convenient Situations, and set apart and appropriate proper Districts of Land therein for the Scite of Churches and Parsonage Houses, and for Glebes for the Ministers and Schoolmasters.

23. You are to take especial Care that God Almighty be devoutly and duly served in all Protestant Churches and Chapels throughout our said Province, in which Divine Service is performed, according to the Rites of the Church of England, the Book of Common Prayer, as by Law established, be read each Sunday and Holiday, and the Blessed Sacrament duly administered.

24. You are not to prefer any Protestant Minister to any Ecclesiastical Benefice in the Province under your Government, without a Certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the Doctrine and Discipline of the Church of England, and of a good Life and Conversation; and if any Person hereafter preferred to a Benefice shall appear to you to give Scandal, either by his Doctrine or Manners, you are to use the best Means for his Removal.

25. You are to give Orders forthwith that every Protestant Minister within your Government be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of Sickness, or after Notice of a Vestry summoned he omit to come.

26. And to the End that the Ecclesiastical Jurisdiction of the Lord Bishop of London may take Place in Our Province under your Government, as far as conveniently may be, We do think fit that you give all Countenance and Encouragement to the Exercise of the same, excepting only the collating to Benefices, granting Licences for Marriages and Probates of Wills, which We have reserved to you Our Governor, and to the Commander in Chief of Our said Province for the Time being.

27. And We do further direct, that no Schoolmaster who shall arrive in Our said Province from this Kingdom be henceforward permitted to keep School, without the Licence of the said Lord Bishop of London; and that no other Person now there, or that shall come from other Parts, shall be admitted to keep School in your Government, without your Licence first obtained.

28. You

28. You are to take especial Care that a Table of Marriages, established by the Canons of the Church of England, be hung up in all Places of public Worship, according to the Rites of the Church of England.

29. And it is Our further Will and Pleasure, that in order to suppress as much as in you lies every Species of Vice and Immorality, you forthwith do cause all Laws already made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's Day, Swearing, and Drunkenness, to be vigorously put in Execution in every Part of your Government, and that you take due Care for the Punishment of these and every other Vice and Immorality by Presentment, upon Oath to be made to the Temporal Courts by the Churchwardens of the several Parishes, at proper Times of the Year to be appointed for that Purpose; and for the further Discouragement of Vice, and Encouragement of Virtue and good Living (that by such Examples the Infidels may be invited and persuaded to embrace the Christian Religion) you are not to admit any Persons to Public Trusts and Employments in the Province under your Government, whose ill Fame and Conversation may occasion Scandal.

30. The Extension of the Limits of the Province of Quebec necessarily calls forth your Attention to a Variety of new Matter and new Objects of Consideration; the Protection and Controul of the various Settlements of Canadian Subjects, and the Regulation of the Peltry Trade in the upper or interior Country on the one Hand and the Protection of the Fisheries in the Gulph of St. Lawrence, and on the Labrador Coast, on the other Hand, point to Regulations that require Deliberation and Dispatch.

31. The Institution of inferior Judicatures with limited Jurisdiction in Criminal and Civil Matters for the Illinois, Poste Saint Vincenne, the Detroit, Missilimakinac and Gaspée, has been already pointed out, and the Appointment of a Superintendant at each of those Posts is all that is further necessary for their Civil Concerns; but it will be highly proper that the Limits of each of those Posts, and of every other in the interior Country, should be fixed and ascertained, and that no Settlement be allowed beyond those Limits, seeing that such Settlements must have the Consequence to disgust the Savages, to excite their Enmity, and at Length totally to destroy the Peltry Trade, which ought to be cherished and encouraged by every Means in your Power.

32. It is Our Royal Intention that the Peltry Trade of the interior Country should be free and open to all Our Subjects, Inhabitants of any of Our Colonies, who shall, pursuant to what was directed by Our Royal Proclamation of 1763, obtain Licences from the Governors of any of Our said Colonies for that Purpose, under Penalties to observe such Regulations as shall be made by Our Legislature of Quebec for that Purpose; these Regulations, therefore, when established, must be made public throughout all Our American Possessions, and they must have for their Object the giving every possible Facility to that Trade which the Nature of it will admit, and as may consist with fair and just Dealing towards the Savages with whom it is carried on: The fixing stated Times and Places for carrying on the Trade, and adjusting Modes of settling Tariffs of the Prices of Goods and Furs, and above all the restraining the Sale

Sale of Spirituous Liquors to the Indians, will be the most probable and effectual Means of answering the Ends proposed: These, and a Variety of other Regulations, incident to the Nature and Purpose of the Peltry Trade in the interior Country, are fully stated in a Plan proposed by Our Commissioners for Trade and Plantations in 1764, a Copy of which is hereunto annexed, and which will serve as a Guide in a Variety of Cases, in which it may be necessary to make Provision by Law for that important Branch of the American Commerce.

33. The Fisheries on the Coast of Labrador, and the Islands adjacent thereto, are Objects of the greatest Importance, not only on Account of the Commodities they produce, but also as Nurseries of Seamen, upon whom the Strength and Security of Our Kingdom depend.

34. Justice and Equity demand that the real and actual Property and Possession of the Canadian Subjects on that Coast should be preserved entirely and that they should not be molested or hindered in the Exercise of any sedentary Fisheries they may have established there.

35. Their Claims, however, extend to but a small District of the Coast on the greatest Part of which District a Cod Fishery is stated to be impracticable.

36. On all such Parts of the Coast where there are no Canadian Possessions, and more especially where a valuable Cod Fishery may be carried on it will be your Duty to make the Interests of Our British Subjects go out to fish there in Ships fitted out from Great Britain the First Object of your Care, and, as far as Circumstances will admit, to establish on the Coast the Regulations in Favour of British Fishing Ships, which have been so wisely adopted by the Act of Parliament passed in the Reign of King William the Third, for the Encouragement of the Newfoundland Fishery and you are on no Account to allow any Possession to be taken, or sedentary Fisheries to be established, upon any Parts of the Coast that are already private Property, by any Persons whatever, except only such shall produce Annually a Certificate of their having fitted out from the Port in Great Britain.

37. We have mentioned to you the Fisheries upon the Coast of Labrador as the main Object of your Attention; but the Commerce carried with the Savages of that Coast, and the State and Condition of the Savages, deserve some Regard: The Society of *Unitas Fratrum*, urged a laudable Zeal for promoting Christianity, has already, under Our Protection, and with Our Permission, formed Establishments in the Northern Part of that Coast, for the Purposes of civilizing the Natives, and converting them to the Christian Religion; their Success has been answerable to their Zeal; and it is Our express Will and Pleasure that you do give them the Countenance and Encouragement in your Power, and that you do not allow any Establishment to be made but with their Consent, within the Limits of their Possessions.

38. By Our Commission to you under Our Great Seal of Great Britain you are authorized and empowered, with the Advice and Consent of Our Council, to settle and agree with the Inhabitants of Our said Province

Quebec, for such Lands, Tenements, and Hereditaments as now are or shall hereafter be in Our Power to dispose of; it is therefore Our Will and Pleasure, that all Lands which now are or hereafter may be subject to Our Disposal, be granted in Fief or Seigneurie, in like Manner as was practised antecedent to the Conquest of the said Province, omitting, however, in any Grant that shall be passed of such Lands, the Reservation of any judicial Powers or Privileges whatever: And it is Our further Will and Pleasure, that all Grants in Fief or Seigneurie, so to be passed by you as aforesaid, be made subject to Our Royal Ratification or Disallowance, and a due Registry thereof within a limited Time, in like Manner as was practised in regard to Grants and Concessions held in Fief and Seigneurie under the French Government.

39. It is Our Will and Pleasure, however, that no Grants be made of any Lands on which there is any considerable Growth of White Pines fit for Masting Our Royal Navy, and which lie convenient for Water Carriage, but that you do cause all such Lands to be set apart for Our Use, and proper Regulations made, and Penalties inflicted, to prevent Trespasses on such Tracts, and the cutting down or destroying the Trees growing thereon.

40. And whereas it appears from the Representations of Our late Governor of the District of Trois Rivieres, that the Iron Works at St. Maurice, in that District, are of great Consequence to Our Service, it is therefore Our Will and Pleasure that no Part of the Lands upon which the said Iron Works were carried on, or from which the Ore used in such Works was procured, or which shall appear to be necessary and convenient for that Establishment, either in respect to a free Passage to the River St. Lawrence, or for producing a necessary Supply of Wood, Corn, and Hay, or for Pasture for Cattle, be granted to any private Person whatever; and also that as large a District of Land as conveniently may be, adjacent to and lying round the said Iron Works, over and above what may be necessary for the above Purposes, be reserved for Our Use, to be disposed of in such Manner as We shall hereafter direct and appoint.

41. And it is Our further Will and Pleasure, that you do consider of a proper and effectual Method of collecting, receiving, and accounting for Our Quit Rents, whereby all Frauds, Concealment, Irregularity, or Neglect therein may be prevented, and whereby the Receipt may be effectually checked and controuled; and if it shall appear necessary to pass an Act for the more effectually ascertaining, and the more speedily and regularly collecting Our Quit Rents, you are to prepare the Heads of such a Bill, as you shall think may most effectually conduce to the procuring the good Ends proposed, and to transmit the same to Us, by One of Our principal Secretaries of State for Our further Directions therein; and you are also to transmit a Duplicate thereof to Our Commissioners for Trade and Plantations for their Information.

42. You are to use your best Endeavours in improving the Trade of the Province under your Government, by settling such Orders and Regulations therein, with the Advice of Our said Council, as may be most acceptable to the Generality of the Inhabitants; and it is Our express

Will and Pleasure that you do not, upon any Pretence whatever, upon Pain of Our highest Displeasure, give your Assent to any Law or Laws for setting up any Manufactures, and carrying on any Trades which are hurtful and prejudicial to this Kingdom; and that you do use your utmost Endeavours to discourage, discountenance, and restrain any Attempts which may be made to set up such Manufactures, or establish any such Trades.

43. And it is Our Will and Pleasure, that you do not dispose of any Forfeitures or Escheats to any Person, until the Sheriff or other proper Officer have made Enquiry by a Jury, upon their Oaths, into the true Value thereof, nor until you have transmitted to Our Commissioners of Our Treasury a particular Account of such Forfeitures and Escheats, and the Value thereof; and you are to take Care that the Produce of such Forfeitures and Escheats, in case We shall think proper to give you Directions to dispose of the same, be duly paid to Our Treasurer or Receiver General of Our said Province, and a full Account transmitted to Our Commissioners of Our Treasury, or Our High Treasurer for the Time being, with the Names of the Persons to whom disposed.

44. And whereas Commissions have been granted unto several Persons in Our respective Plantations in America for the trying of Pirates in those Parts, pursuant to the Acts for the more effectual Suppression of Piracy; and by a Commission already sent to Our Province of New York, Our Governor there is impowered, together with others therein mentioned, to proceed accordingly in Reference to Our said Province; Our Will and Pleasure is, that you do use your best Endeavours to apprehend all Persons whatever who may have been guilty of Piracy within your Government, or who, having committed such Crimes at other Places, may come within your Jurisdiction; and until We shall think proper to direct the like Commission to be established for Our Government of Quebec, you are to send such Pirates, with what Proofs of their Guilt you can procure or collect, to Our Governor of New York, to be tried and punished under the Authority of the Commission established for those Parts.

45. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain and of Our Plantations, a Commission, constituting you Vice Admiral of Our said Province, you are hereby required and directed carefully to put in Execution the several Powers thereby granted you.

46. Whereas great Inconveniences have happened heretofore by Merchant Ships and other Vessels in the Plantations wearing the Colours borne by Our Ships of War, under Pretence of Commissions granted to them by the Governours of the said Plantations, and by trading under those Colours not only among Our own Subjects, but also those of other Princes and States, and committing divers Irregularities, they may very much dishonour Our Service; for preventing thereof you are to oblige the Commanders of all such Ships to which you shall grant Commissions to wear no other Colours than such as are described in an Order of Council of the 7th of January, 1730, in relation to Colours to be worn by all Ships and Vessels, except Our Ships of War.

47. And

47. And whereas there have been great Irregularities in the Manner of granting Commissions in the Plantations to private Ships of War, you are to govern yourself, whenever there shall be Occasion, according to the Commissions and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprizal against any Prince or State, or their Subjects, in Amity with Us, to any Person whatsoever, without Our especial Command.

48. Whereas We have been informed, that during the Time of War Our Enemies have frequently got Intelligence of the State of Our Plantations, by Letters from private Persons to their Correspondents in Great Britain, taken on Board Ships coming from the Plantations, which hath been of dangerous Consequence; Our Will and Pleasure, therefore, is, that you signify to all Merchants, Planters, and others, that they be very cautious in Time of War, whenever that shall happen, in giving any Accounts by Letters of the Public State and Condition of Our Province under your Government; and you are forthwith to give Directions to all Masters of Ships, or other Persons to whom you may entrust your Letters, that they put such Letters into a Bag, with a sufficient Weight to sink the same immediately, in case of imminent Danger from the Enemy; and you are also to let the Merchants and Planters know how greatly it is for their Interest that their Letters should not fall into the Hands of the Enemy, and therefore that they should give like Orders to Masters of Ships in relation to their Letters; and you are further to advise all Masters of Ships, that they do sink all Letters in case of Danger, in the Manner before mentioned.

49. And whereas the Merchants and Planters in Our Plantations in America have in Time of War corresponded and traded with Our Enemies, and carried Intelligence to them, to the great Prejudice and Hazard of Our said Plantations, you are therefore by all possible Methods to endeavour to hinder such Trade and Correspondence in Time of War.

50. Whereas it is absolutely necessary that We be exactly informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same, you are as soon as possible to prepare an Account thereof with relation to Our said Province in the most particular Manner; and you are therein to express the present State of the Arms, Ammunition, and other Stores of War belonging to the said Province, either in public Magazines or in the Hands of private Persons, together with the State of all Places either already fortified, or that you judge necessary to be fortified for the Security of Our said Province; and you are to transmit the said Accounts to Us, by One of Our Principal Secretaries of State, and also Duplicates thereof to Our Commissioners for Trade and Plantations, for their Information, and also a Duplicate thereof to Our Master General or Principal Officers of Our Ordinance, which Accounts are to express the Particulars of Ordnance, Carriages, Balls, Powder, and other Sorts of Arms and Ammunition in Our Public Stores; and so from Time to Time of what shall be sent to you, or bought with the Public Money, and to specify the Time of the Disposal, and the Occasion thereof: And you are
Half-

Half-yearly to transmit a general Account of the State of the Fortifications and Warlike Stores specified in the Manner above mentioned.

51. And in case of any Distress of any other of Our Plantations you shall, upon Application of the respective Governors thereof unto you, assist them with what Aid the Condition and Safety of Our Province under your Government can spare.

52. If any Thing shall happen which may be of Advantage or Security to Our Province under your Government, which is not herein or by your Commission provided for, We do hereby allow unto you, with the Advice and Consent of Our Council, to take Order for the present therein, giving unto Us, by One of Our Principal Secretaries of State, speedy Notice thereof, that you may receive Our Ratification, if We shall approve the same: Provided always, that you do not, by Colour of any Power or Authority hereby given you, commence or declare War, without Our Knowledge and particular Commands therein; and you are also to transmit a Duplicate of such Notice as aforesaid to Our Commissioners for Trade and Plantations for their Information.

53. And whereas We have, by the First Article of these Our Instructions to you, directed and appointed that your chief Residence shall be at Quebec, you are nevertheless frequently to visit the other Parts of your Government, in order to inspect the Management of all Public Affairs, and thereby the better to take Care that the Government be so administered that no disorderly Practices may grow up contrary to Our Service and the Welfare of Our Subjects.

54. And whereas great Prejudice may happen to Our Service, and the Security of the Province, by your Absence from those Parts, you are not, upon any Pretence whatsoever, to come into Europe, without having first obtained Leave for so doing from Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council; yet nevertheless in case of Sickness you may go to South Carolina, or any other of our Southern Plantations, and there stay such a Space of Time as the Recovery of your Health may absolutely require.

55. And whereas We have thought fit by Our Commission to direct that in case of your Death or Absence from Our said Province, and in case there be at that Time no Person within Our said Province commissioned or appointed by Us to be Our Lieutenant Governor or Commander in Chief, that the eldest Councillor, being a natural born Subject of Great Britain, Ireland, or the Plantations, and professing the Protestant Religion, who shall be, at the Time of your Death or Absence, residing within Our said Province under your Government, shall take upon him the Administration of Government, and execute Our said Commission and Instructions, and the several Powers and Authorities therein directed: It is nevertheless Our express Will and Pleasure that in such Case the said President shall forbear to pass any Act or Acts, but what are immediately necessary for the Peace and Welfare of the said Province, without Our particular Order for that Purpose.

56. And whereas We are desirous that a proper Provision should be made for the Support of Our Government within Our said Province of Quebec,

We

We do therefore hereby declare it to be Our Royal Intention, that the following Annual Salaries and Allowances be discharged and paid out of any Revenue arising to Us within the same, or out of such other Monies as shall be granted or appropriated to the Uses and Services of Our said Province of Quebec; (that is to say)

To the Governor, per Annum	—	—	—	£. 2,000
To the Lieut. Governor	—	—	—	600
To the Chief Justice	—	—	—	1,200
To Six Judges of Common Pleas, at £. 500 each	—	—	—	3,000
To the Attorney General	—	—	—	300
To the Clerk of the Crown and Pleas	—	—	—	100
To Two Sheriffs, at £. 100 each	—	—	—	200
To the Secretary and Register	—	—	—	400
To the Clerk of the Council	—	—	—	100
To the Surveyor of Lands	—	—	—	300
To the Surveyor of Woods	—	—	—	200
To the Commissary for Indians	—	—	—	300
To the Captain of the Port	—	—	—	100
To the Naval Officer	—	—	—	100
To the Receiver General of the Revenues	—	—	—	400
To Twenty-three Councillors, at £. 100 each	—	—	—	2,300
To the Lieut. Governors or Superintendants				
at the Illinois	—	—	} at £. 200 each	1,000
Poste St. Vincenne	—	—		
Detroit	—	—		
Missilimakinac	—	—		
Gaspée	—	—		
To One Judge of the Inferior Courts of King's Bench and Common Pleas at each of the above Five Posts, at £. 100 each Judge	—	—	—	500
To an Assistant or Assessor at each Post, at £. 50 per Ann.	—	—	—	250
To a Sheriff for each District, at £. 20 per Ann.	—	—	—	100
To a Grandvoyer	—	—	—	200
To a French Secretary	—	—	—	200
To Four Ministers of the Protestant Church, at £. 200 per Ann. each	—	—	—	800
To Two Schoolmasters, at £. 100 per Ann. each	—	—	—	200
To an Allowance to the Person licensed to superintend the Romish Church	—	—	—	200
To Pensions to the Officers of a Corps of Canadians employed in the last War, and discharged without any Allowance, as follows; viz.				
To Mons' Rigauville, the Commandant of said Corps	—	—	—	200
To Five Captains, at £. 100 each	—	—	—	500
To Ten Lieutenants, at £. 50 each	—	—	—	500
To the Commandant of the Savages	—	—	—	100
To Annual Contingent Expences	—	—	—	1,000

£. 17,350

All

All which Salaries and Allowances are to commence on, and be payable from and after the First Day of May next ensuing.

57. And whereas We are further willing in the best Manner to provide for the Support of the Government of Our said Province, by setting apart a sufficient Allowance to such as shall be Our Lieutenant Governor, Commander in Chief, or President of Our Council for the Time being within the same, Our Will and Pleasure therefore is, that when it shall happen, that you shall be absent from Our said Province, One full Moiety of the Salary, and of all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall during the Time of your Absence from Our said Province be paid and satisfied unto such Lieutenant Governor, Commander in Chief, or President of Our Council, who shall be resident upon the Place for the Time being, which We do hereby order and allot unto him, towards his Maintenance, and for the better Support of the Dignity of that Our Government.

(COPY.)

PLAN for the future Management of Indian Affairs, referred to in the Thirty-second Article of the foregoing Instructions.

1. **T**HAT the Trade and Commerce with the several Tribes of Indians in North America, under the Protection of His Majesty, shall be free and open to all His Majesty's Subjects, under the several Regulations and Restrictions hereafter mentioned, so as not to interfere with the Charter to the Hudson's Bay Company.
2. That for the better Regulation of this Trade, and the Management of Indian Affairs in general, the British Dominions in North America be divided into Two Districts, to comprehend and include the several Tribes of Indians mentioned in the annexed Lists A. and B.
3. That no Trade be allowed with the Indians in the Southern District, but within the Towns belonging to the several Tribes included in such District; and that in the Northern District the Trade be fixed at so many Posts, and in such Situations, as shall be thought necessary.
4. That all Laws now in Force in the several Colonies, for regulating Indian Affairs or Commerce, be repealed.
5. That there be one general Agent or Superintendant appointed by His Majesty for each District.
6. That the Agent or Superintendant for the Northern District shall be allowed Three Deputies to assist him in the Administration of Affairs within his District; and that the Agent or Superintendant for the Southern District shall be allowed Two Deputies.
7. That there shall be a Commissary, Interpreter, and Smith, appointed by

by his Majesty to reside in the Country of each Tribe, in the Southern District, and at each Port in the Northern District.

8. That it be recommended to the Society for the Propagation of the Gospel in Foreign Parts to appoint Four Missionaries in each District, to reside at such Places as the Agent or Superintendent for each District shall recommend.

9. That the Commissaries, Interpreters, and Smiths in each District, do act under the immediate Direction and Orders of the Agent or Superintendent, who shall have a Power of suspending them in case of Misbehaviour; and in case of Suspension of a Commissary, or of a Vacancy by Death, or Resignation, the Office shall be executed until the King's Pleasure is known by one of the Deputies to the Agent or Superintendent.

10. That the said Agent or Superintendent shall have the Conduct of all Public Affairs relative to the Indians, and that neither the Commander in Chief of His Majesty's Forces in America, nor any of the Governors and Commanders in Chief of any of the Colonies, or Persons having Military Commands in any of the Forts within each of the said Districts, do hold any General Meetings with the Indians, or send any Public Talks to them without the Concurrence of the Agent or Superintendent, unless in Cases of great Exigency, or when the said Agent or Superintendent may be in some remote Part of his District.

11. That the said Agents or Superintendants do in all Affairs of Political Consideration, respecting Peace and War with the Indians, Purchase, of Lands, or other Matters, on which it may be necessary to hold any General Meetings with the Indians, advise and act in Concert with the Governors (or the Governors and Councils, as the Occasion may require) of the several Colonies within their respective Districts; and that the said Agents or Superintendants shall be Councillors extraordinary within each Colony in their respective Districts, in like Manner as the Surveyor General of the Customs for the Northern and Southern Districts of America.

12. That the Governor or Commander in Chief of every Colony be directed to communicate to the Agent or Superintendent of that District, within which his Government lies, all such Information and Intelligence as he may receive respecting Indian Affairs, and that the Agents or Superintendants shall in like Manner communicate to the Governors all Intelligence and Information, respecting the State of Indian Affairs, which may in anywise regard the Security and Interest of the said Colonies.

13. That no Order shall be issued by the Governor or Commander in Chief of any of His Majesty's Colonies, or by any Officer having Military Command in any Forts within the Indian Country, for stopping the Trade with any Tribe of Indians, in either of the said Districts, without the Concurrence and Consent of the Agent or Superintendent for Indian Affairs.

14. That the said Agents or Superintendants shall by themselves, or sufficient Deputies, visit the several Posts or Tribes of Indians within their respective Districts once in every Year, or oftener as Occasion shall require, to enquire into, and take an Account of the Conduct and Behaviour

of

of the subordinate Officers at the said Posts, and in the Country belonging to the said Tribes, to hear Appeals, and redress all Complaints of the Indians, make the proper Presents, and transact all Affairs relative to the said Indians.

15. That for the maintaining Peace and good Order in the Indian Country, and bringing Offenders in Criminal Cases to due Punishment, the said Agents or Superintendants, as also the Commissaries at each Post, and in the Country belonging to each Tribe, be empowered to act as Justices of the Peace in their respective Districts and Departments, with all Powers and Privileges vested in such Officers of any of the Colonies, and also full Power of committing Offenders in Capital Cases, in order that such Offenders may be prosecuted for the same; and that for deciding all Civil Actions, the Commissaries be empowered to try and determine in a summary Way all such Actions, as well between the Indians and Traders, as between one Trader and another, to the Amount of £:10 Sterling, with the Liberty of Appeal to the chief Agent or Superintendant, or his Deputy, who shall be empowered upon such Appeal to give Judgment thereon, which Judgment shall be final, and Process issue upon it, in like Manner as on the Judgment of any Court of Common Pleas established in any of the Colonies.

16. That for the easy Attainment of Justice, the Evidence of Indians under proper Regulations and Restrictions, be admitted in all Criminal as well as Civil Causes that shall be tried and adjudged by the said Agents or Superintendants, or by the said Commissaries, and that their Evidence be likewise admitted by the Courts of Justice in any of His Majesty's Colonies or Plantations, in Criminal Cases, subject to the same Pains and Penalties, in Cases of false Evidence, as His Majesty's Subjects.

17. That the said Agents or Superintendants shall have Power to confer such Honors and Rewards on the Indians as shall be necessary, and granting Commissions to principal Indians in their respective Districts to be War Captains or Officers of other Military Distinctions.

18. That the Indians of each Town, in every Tribe in the Southern District, shall choose a Beloved Man, to be approved of by the Agent or Superintendant for such District, to take Care of the mutual Interests both of Indians and Traders in such Town; and that such Beloved Men, elected and approved in the several Towns, shall elect a Chief for the whole Tribe, who shall constantly reside with the Commissary in the Country of each Tribe, or occasionally attend upon the said Agent or Superintendant, as Guardian for the Indians, and Protector of their Rights with Liberty to the said Chief to be present at all Meetings, and upon Hearings or Trials relative to the Indians, before the Agent or Superintendant, or before the Commissaries, and to give his Opinion upon all Matters under Consideration at such Meetings or Hearings.

19. That the like Establishments be made for the Northern District as far as the Nature of the Civil Constitution of the Indians in this District, and the Manner of administering their Civil Affairs, will admit.

20. That no Person having any Military Command in the Indian Country shall be capable of acting as Commissary for the Affairs of the Indian

in either of the above mentioned Districts respectively, nor shall such Person, having Military Command, be allowed to carry on Trade with the Indians, or to interpose his Authority in any Thing that regards the Trade with or Civil Concerns of the Indians, but to give the Commissary, or other Civil Magistrate, all Assistance in his Power, whenever thereunto required.

21. That the said Commissaries shall keep exact and regular Accounts, by Way of Journal, of all their Transactions and Proceedings, and of all Occurrences in their respective Departments, and shall by every Opportunity communicate such Transactions and Occurrences to the Agent or Superintendent in their respective Districts, which Agent or Superintendent shall regularly, by every Opportunity, correspond with the Commissioners for Trade and Plantations.

22. That the Agent or Superintendent to be appointed for each District, as also the Commissaries residing at the Posts, or in the Indian Country within each District, shall take an Oath, before the Governor or Chief Judge of any of the Colonies within their respective Districts, for the due Execution of their respective Trusts; and they, and all other subordinate Officers employed in the Affairs of the Indians, shall be forbid, under proper Penalties, to carry on any Trade with them, either upon their own Account, or in Trust for others, or to make any Purchase of, or accept any Grants of Lands from the Indians.

23. That for the better Regulation of the Trade with the said Indians, conformable to their own Requests, and to prevent those Frauds and Abuses which have been so long and so loudly complained of, in the Manner of carrying on such Trade, all Trades with the Indians in each District be carried on under the Direction and Inspection of the Agents or Superintendants, and other subordinate Officers, to be appointed for that Purpose, as has been already mentioned.

24. That all Persons intending to trade with the Indians shall take out Licences for that Purpose, under the Hand and Seal of the Governor or Commander in Chief of the Colony from which they intend to carry on such Trade, for every of which Licences no more shall be demanded or taken than Two Shillings.

25. That all Persons taking out Licences shall enter into Bond to His Majesty, His Heirs and Successors, in the Sum of _____ with One Surety in the Sum of _____ for the due Observance of the Regulations prescribed for the Indian Trade.

26. That every Person willing to give Security, and finding a Surety willing, if required, to take an Oath that he is possessed of Property to double the Value of the Sum he stands Security for, shall be entitled to a Licence.

27. That every such licensed Trader shall, at the Time of taking out the Licence, declare the Post or Truck House at which, or the Tribe of Indians with which, he intends to trade, which shall be specified in the Licence itself.

28. That no Licence be granted to continue longer than for One Year.

29. That no Person trade under such Licence but the Person named in it, his Servants or Agents, whose Names are to be inserted in the Margent; and in case any of the Servants or Agents named in such Licence shall die, or be discharged, the same shall be notified to the Governor by whom the Licence was granted, or to the Commissary of the Post, or in the Tribe where such Trader carries on such Trade, to the End that the Name or Names of any other Servants or Agents, employed by the said Trader in the Place of those dead or discharged, may in like Manner be inserted in the Margent of the Licence.

30. That all Licences be entered in the Secretary's Office, or other proper Office of Record in each Colony, where they are taken out, for which Entry no more shall be demanded or taken than Six Pence for each Licence; and all Persons to have free Liberty to inspect such Entry, paying a Fee of Six Pence for the same.

31. That Persons trading with the Indians without a Licence, and without giving the Security above required, or trading at any other Posts or Places than those expressed in their Licences, do forfeit all the Goods they shall be found then trading with, and also pay a Fine of _____ Months Imprisonment.

32. That all Traders, immediately upon Arrival at the Posts or Truck Houses in the Northern District, or in the Tribes in the Southern District for which Licences have been taken out, and before any Goods are sold to or bartered with the Indians, do produce such Licences to the Commissaries appointed for the Direction and Inspection of the Trade at such Posts or Truck Houses, or in such Tribes.

33. That all Trade with the Indians shall be carried on by Tariffs, to be settled and established from Time to Time by the Commissaries at the several Posts or Truck Houses, or in the Countries belonging to the several Tribes in concert with the Traders and Indians.

34. That the Commissaries appointed to direct and inspect the Trade at each Truck House in the Northern District shall be empowered to fix and prescribe Limits round each Post or Truck House, within which Limits all Trade with the Indians may be commodiously carried on in the most public Manner.

35. That all Traders have free Liberty to erect Huts and Warehouses within such Limits, in such Order and Manner as the Commissary shall, with the Concurrence of the Officer commanding at such Post, direct and appoint.

36. That no Trader shall traffic or have any Dealings with the Indians, without the Limits prescribed by the Commissary, or other Chief Officer, appointed for the Inspection and Direction of the Trade.

37. That each Truck House or Post of Trade in the Northern District, be fortified and garrisoned, and that all Traders have free Liberty to retire into such Garrison with their Effects, whenever any Disturbance shall arise, or the Commissary at such Post shall represent it to be necessary.

38. That

38. That no Trader shall sell or otherwise supply the Indians with Rum, or other Spirituous Liquors, Swan Shot, or Rifled Barrelled Guns.

39. That in Trade with the Indians no Credit shall be given them for Goods in Value beyond the Sum of Fifty Shillings; and no Debt beyond that Sum shall be recoverable by Law or Equity.

40. That all Disputes concerning Weights or Measures in the buying or selling Goods shall be decided by Standard Weights and Measures, to be kept in each Post or Truck House in the Northern District, and each Town in the Southern District.

41. That no private Person, Society, Corporation, or Colony, be capable of acquiring any Property in Lands belonging to the Indians, either by Purchase of, or Grant or Conveyance from, the said Indians, excepting only where the Lands lie within the Limits of any Colony, the Soil of which has been vested in Proprietors or Corporations, by Grants from the Crown; in which Cases such Proprietaries or Corporations only shall be capable of acquiring such Property by Purchase or Grant from the Indians.

42. That proper Measures be taken, with the Consent and Concurrence of the Indians, to ascertain and define the precise and exact Boundary and Limits of the Lands which it may be proper to reserve to them, and where no Settlement whatever shall be allowed.

43. That no Purchases of Lands belonging to the Indians, whether in the Name and for the Use of the Crown, or in the Name and for the Use of Proprietaries of Colonies, be made but at some General Meeting, at which the principal Chiefs of each Tribe claiming a Property in such Lands, are present; and all Tracts so purchased shall be regularly surveyed by a sworn Surveyor, in the Presence and with the Assistance of a Person deputed by the Indians to attend such Survey, and the said Surveyor shall make an accurate Map of such Tract, describing the Limits, which Map shall be entered upon Record, with the Deed of Conveyance from the Indians.

It is estimated that the Annual Expence of supporting the Establishments proposed in the foregoing Plan, providing Presents for the Indians, and other contingent Expences, may amount to about £. 20,000; and it is proposed to defray this Expence by a Duty upon the Indian Trade, either collected upon the Exportation of Skins and Furs, (Beaver excepted) from the Colonies, or payable by the Traders at the Posts and Places of Trade, as shall upon further Examination, and the fullest Information, be found most practicable, and least burthensome to the Trade.

A.

LIST of Indian Tribes in the Northern District of North America.

Mohocks.
Oneidas.
Tuscarofas.
Onondagas.
Cayugas.
Senecas.
Oswegachys.
Nanticokes.
Concys.
Tuteeves.
Saponeys.
Caghnawagas.
Canaffadagas.
Arundacks.
Algonkins.
Abenaguis.
Skaghquanoghronos.
Hurons.
Shawanefe.
Delawares.
Wiandots.
Powtewatamis.
Ottawas.
Chipeweighs, or Missifagis.
Meynomenys.
Folsavoins.
Puans.
Sakis.
Foxes.
Turghtwees.
Kickapous.
Mascoatens.
Piankashaws.
Wawiaghtonos.
Kefkaskias.
Illinois.
Sioux.
Micmacs.
Norwidgewalks.
Arseguntecokes.
Penobscots.
St. Johns.

B.

LIST of Indian Tribes in the Southern District of North America.

Cherokees.
Creeks.
Chickasaws.
Cheistaws.
Catawbas.
Beluxis.
Humas.
Attucapas.
Bayugas.
Tunicas.
Peluches.
Ofugas.
Querphas.

N^o 7.

COPY of an Article in the Instructions to Sir Frederick Haldimand, K. B. in 1778, not contained in the Instructions to Guy Carleton, Esquire, in 1775—Also, Copy of a Part of an Article altered from the same Instructions, in 1775.

16. **AND** whereas, in pursuance of the foregoing Instructions, Ordinances have been framed and ordained for the Establishment of Courts, and directing a proper Mode of administering Civil and Criminal Justice within Our said Province of Quebec, conformable to the Spirit and Intention of the aforesaid Act of Parliament, intituled, “An Act for making more effectual Provision for the Government of the Province of Quebec, in North America;” it is Our Will and Pleasure that you do from Time to Time, with Our said Council in their Legislative Capacities, deliberate upon and frame such Ordinances as the Circumstances and Condition of Affairs may require, either for continuing and amending, or enforcing such Ordinances as aforesaid, or making any further or necessary Changes and Regulations in the Courts so established, or in the Mode of administering Justice within Our said Province, provided that such Ordinances be strictly conformable to the Act of Parliament aforesaid, and to the Tenor of these Our Instructions.

COPY of a Section of the 10th Article of the same Instructions, altered both in these and in the Instructions to Lord Dorchester, in 1786, from the Instructions to Guy Carleton, Esquire, in 1775.

THAT no Ordinance be passed relative to the Trade, Commerce, or Fisheries of the said Province, by which the Inhabitants thereof shall be put upon a more advantageous Footing than any other of Our Subjects, either of this Kingdom or of the Plantations, who have retained their Allegiance.

N^o 8.

COPY of such Articles in the Instructions to Lord Dorchester, in 1786, as are not contained in the Instructions to Guy Carleton, Esquire, in 1775—Also, Copy of such Articles or Parts thereof, in the same Instructions in 1786, as are altered from the Instructions to Guy Carleton, Esquire, in 1775.

15. **A**ND it is Our Will and Pleasure, that you do from Time to Time, as the Circumstances and Condition of Affairs may require, with Our said Council in their Legislative Capacity, deliberate upon and frame such Ordinances as may be expedient for continuing, amending, or enforcing any Ordinances now in Force, or making any further or necessary Changes and Regulations in the Courts of Judicature already established, or in the Mode of administering Justice within Our said Province, provided that such Ordinances be strictly conformable to the Act of Parliament aforesaid, and these Our Instructions.

37. Whereas it will be for the general Benefit of Our Subjects, carrying on the Fishery in the Bay of Chaleur, in Our Province of Quebec, that such Part of the Beach and Shore of the said Bay as is ungranted should be reserved to Us, Our Heirs and Successors, it is therefore Our Will and Pleasure, that you do not in future direct any Survey to be made, or Grant to be passed, for any Part of the ungranted Beach or Shore of the said Bay of Chaleur, except such Parts thereof as by Our Orders in Council, dated the 29th of June and 21st of July last, are directed to be granted to John Shoobred, of London, Merchant, and to Messrs. Robin, Eipon, and Co. of the Island of Jersey, Merchants, but that the same be reserved to Us, Our Heirs and Successors, together with a sufficient Quantity of Wood Land adjoining thereto, necessary for the Purpose of carrying on the Fishery; the Limits of such Wood Land so to be reserved to be determined upon and ascertained by you and Our Council for Our said Province.

Province of Quebec in such Manner as from the most authentic Information shall appear to you and them most convenient and proper for that Purpose; it is nevertheless Our Intention, and We do hereby signify to you Our Will and Pleasure, that the free Use of such Beach or Shore, and of the Wood Land, so to be reserved, shall be allowed by you, or any Person authorized by you, to such of Our Subjects as shall resort thither, for the Purpose of carrying on the Fishery, in such Proportions as the Number of Shallops he or they shall respectively employ may require; provided that if any Fisherman who shall have Permission to occupy any Part of the said Beach or Shore and Wood Land, for the Purpose of the said Fishery, shall not, during any one Season, continue so to occupy and employ any Part of the said Beach or Shore, and Wood Land, so allotted to him, you, or any Person authorized by you as above, may and shall allow the Use of such Part to any other Fisherman who shall apply for the same, for the Purpose of carrying on the Fishery.

And whereas it may be necessary to establish local Regulations to prevent Abuses, as well as Disputes and Misunderstanding between the Fishermen resorting to the said Beach or Shore, it is Our Will and Pleasure that you, by and with the Advice and Consent of Our said Council, do frame such Regulations from Time to Time as to you shall appear necessary to answer those salutary Purposes, and that you transmit the same to Us through One of Our principal Secretaries of State for Our Pleasure therein, by the first Opportunity.

40. Whereas many of Our loyal Subjects, Inhabitants of the Colonies and Provinces now the United States of America, are desirous of retaining their Allegiance to Us, and of living in Our Dominions, and for this Purpose are disposed to take up and improve Lands in Our Province of Quebec: And We, being desirous to encourage Our said Loyal Subjects in such their Intentions, and to testify Our Approbation of their Loyalty to Us, and Obedience to Our Government, by allotting Lands for them in Our said Province; and whereas we are also desirous of testifying Our Approbation of the Bravery and Loyalty of Our Forces serving in Our said Province, and who may have been reduced there, by allowing a certain Quantity of Land to such of the Non-commissioned Officers and Private Men of Our said Forces, who are inclined to become Settlers therein; it is Our Will and Pleasure, that immediately after you shall receive these Our Instructions you do direct Our Surveyor General of Lands for Our said Province of Quebec to admeasure and lay out such a Quantity of Land as you, with the Advice of Our Council, shall deem necessary and convenient for the Settlement of Our said Loyal Subjects; and the Non-commissioned Officers and Private Men of Our Forces which may have been reduced in Our said Province, who shall be desirous of becoming Settlers therein, such Lands to be divided into distinct Seigneuries or Fiefs, to extend from Two to Four Leagues in Front, and from Three to Five Leagues in Depth, if situated upon a Navigable River, otherwise to be run square, or in such Shape and in such Quantities as shall be convenient and practicable, and in each Seigneurie a Glebe to be reserved and laid out in the most convenient Spot, to contain not less than Three hundred Acres, nor more than Five hundred Acres, the Property of which Seigneuries or Fiefs shall be and remain vested in Us, Our Heirs, and Successors,

and

and you shall allot such Parts of the same as shall be applied for by any of Our said Loyal Subjects, Non-commissioned Officers, and Private Men of Our Forces reduced as aforesaid, in the following Proportions; (that is to say)

To every Master of a Family One hundred Acres, and Fifty Acres for each Person of which his Family should consist.

To every Single Man Fifty Acres.

To every Non-commissioned Officer of Our Forces reduced in Québec Two hundred Acres. To every Private Man reduced as aforesaid, One hundred Acres; and for every Person in their Families Fifty Acres.

The said Lands to be held under Us, Our Heirs and Successors, Seigneurs of the Seigneurie or Fief in which the same shall be situated, upon the same Terms, Acknowledgments, and Services, as Lands are held in Our said Province under the respective Seigneurs holding and possessing Seigneuries or Fiefs therein, and reserving to Us, Our Heirs and Successors, from and after the Expiration of Ten Years from the Admission of the respective Tenants, a Quit Rent of One Half-penny per Acre.

41. And whereas, upon the raising and establishing the Corps, late the Eighty-fourth Regiment of Foot, We did promise and declare, that the Officers and Privates of the said Corps should, when reduced, be entitled to and receive Grants for certain Allotments of Lands in proportion to their respective Ranks therein; it is Our Will and Pleasure, that you do in Manner as hereinbefore directed grant Warrants of Allotment and Survey to such of the Officers and Privates of the said late Eighty-fourth Regiment of Foot, now reduced, who shall be willing to settle and become Inhabitants of Our Province of Quebec, and shall apply for the same for such Quantities of Land as they shall be respectively entitled to in consequence of Our said Promise and Declaration contained in Our Instructions to Our Governors of New York and North Carolina, dated the 3d of April 1775; (that is to say)

	Acres.
To Field Officers	5,000
Captains	3,000
Subalterns	2,000
Non-commissioned Officer	200
Privates	50

and that the Surveys be made and Grants for the same be delivered to them respectively free of Expence, as hereinbefore is directed: Provided nevertheless, that every Commissioned and Non-commissioned Officer or Private belonging to the said late Eighty-fourth Regiment of Foot, who shall claim and apply for Land in Our Province of Quebec as aforesaid, shall declare upon Oath, that no Land has been obtained by him in any of Our other Provinces in America under Our Royal Declaration as aforesaid.

42. It is Our further Will and Pleasure, that every Person within the Meaning of these Our Instructions, upon making Application for Land shall take the Oaths directed by Law before you or Our Commander in Chief for the Time being, or some Person by you or him authorized for the Purpose; and shall also at the same Time make and subscribe the following Declaration (viz.) "I A. B. do promise and declare, that I will maintain and defend to the utmost of my Power the Authority of the

" King

“ King in His Parliament, as the Supreme Legislature of this Province:” Which Oaths and Declaration shall also be taken, made, and subscribed, by every future Tenant before his, her, or their Admission, upon Alienation, Descent, Marriage, or otherwise howsoever, and upon Refusal the Lands to become re-vested in Us, Our Heirs and Successors: And it is Our further Will and Pleasure, that the Expence of laying out and surveying, as well the Seigneuries or Fiefs aforesaid as the several Allotments within the same, and of the Deed of Admission, shall be paid by the Receiver General of Our Revenue in the said Province of Quebec, out of such Monies as shall be in his Hands, upon a Certificate from you, or Our Commander in Chief for the Time being, in Council, Oath being made by Our Surveyor General to the Account of such Expence: Provided, however, that only One Half of the usual and accustomed Fees of Office shall be allowed to Our said Surveyor General, or any other of Our Officers in the said Province, entitled thereunto, upon any Survey or Allotment made, or upon Admission into any Lands, by virtue of these Our Instructions.

43. And whereas We have some Time since purchased the Seigneurie of Sorel from the then Proprietors, the Lands of which are particularly well adapted for Improvement and Cultivation, and the local Situation of the said Seigneurie makes it expedient that the same should be settled by as considerable a Number of Inhabitants of approved Loyalty as can be accommodated therein with all possible Dispatch; It is therefore Our Will and Pleasure, that you do cause all such Lands within the same, as are undischarged of to be run out into small Allotments, and that you do allot the same to the Non-commissioned Officers and Private Men of Our Forces, who may have been reduced in Our said Province, or to such other of Our loyal Subjects as may be inclined to settle and improve the same, in such Proportions as you may judge most conducive to their Interest, and the more speedy Settlement of Our said Seigneurie; the Lands so allotted to be held by Us, Our Heirs and Successors, Seigneurs of Sorel, upon the same Conditions, and under the same reserved Rent at the Expiration of Ten Years, as the other Tenants of Seigneuries now hold their Lands, and pay to Us, and also of taking the Oaths, and making and subscribing the Declaration as hereinbefore is mentioned and directed; the Expence of making the said Allotments, and of Admission thereunto, to be also paid and defrayed in like Manner as those in the Seigneuries directed to be laid out by these Our Instructions; it is nevertheless Our Will and Pleasure, that the Allotments to be made to such of Our loyal Subjects, from the Provinces or Colonies now the United States of America, as may be disposed to settle and improve Lands in Our said Province of Quebec, shall be limited to those only who may have withdrawn themselves from the said Provinces or Colonies, after the signing of the Definitive Treaty of Peace with the said United States, and no other: And it is Our further Will and Pleasure, that a Record be kept in the Office of Our Receiver General of Our Revenue, of every Admission into Lands, as well by virtue of these Our Instructions with respect to Our loving Subjects retiring from the Provinces and Colonies, now the United States of America, and to Our Forces disbanded as aforesaid, as in Cases of future Admission, by Alienation or otherwise, a Docquet of which shall be transmitted Yearly to Us, through One of Our Principal

Secretaries of State, and also a Duplicate thereof to Our High Treasurer, or the Commissioners of Our Treasury for the Time being.

62. And whereas we have made sufficient Provision for the Support of Our Lieutenant Governor of Our said Province of Quebec for the Time being, by the Allowance inserted in the foregoing Estimate; it is Our Will and Pleasure, when it shall happen that when you are absent from Our said Province that no Part of the Salary, or any Perquisites and Emoluments which are due unto you, shall, during the Time of your Absence, be claimed by, or paid and satisfied to such Lieutenant Governor: And it is Our further Will and Pleasure, that if Our Lieutenant Governor of the said Province of Quebec should happen to die during such your Absence, and the Administration of the Government thereby devolve on the President, or eldest Member of Our Council, such President or Councillor shall, during his continuing in the Chief Command, receive the Salary or Allowance hereby provided for Our Lieutenant Governor, and no other Allowance, Perquisite, or Emolument whatever.

COPY of such Articles as are altered in the Instructions to Lord Dorchester, in 1786, from the Instructions to Guy Carleton, Esquire, in 1775.

2. IT is Our further Will and Pleasure that any Five of the said Council shall constitute a Board of Council for transacting all Business in which their Advice and Consent may be requisite, Acts of Legislature only excepted (in which Case you are not to act without a Majority of the Whole); you are, however, not to select or appoint any such Members of Our said Council by Name, to the Number of Five, as you may think fit to transact such Business, or term any select Number of such Members by the Name of a Privy Council, but you are on every Occasion, where the Attendance of the Members is necessary or required, to summon all such who may be within a convenient Distance: And it is Our further Will and Pleasure that the Members of Our said Council shall have and enjoy all the Powers, Privileges, and Emoluments enjoyed by the Members of Our Councils in Our other Plantations, and also such others as are contained and directed in Our said Commission, under Our Great Seal of Great Britain, and in these Our Instructions to you; and that they shall meet together at such Time and Times, Place and Places, as you in your Discretion shall think necessary, except when they meet for the Purpose of Legislation, in which Case they are to be assembled at the Town of Quebec only.

7. You are, at your first calling together Our Council, to communicate to them such and so many of these Our Instructions, wherein their Advice and Consent are mentioned to be requisite, or which contain any Directions as to the framing of Ordinances for the Peace, Welfare, and good Government of Our said Province, as likewise all such others from Time to Time as you shall find convenient for Our Service to be imparted to them.

Section from the 10th Article. That no Ordinance be passed relative to the Trade, Commerce, or Fisheries of the said Province, by which the Inhabitants thereof shall be put upon a more advantageous Footing than any other of Our Subjects, either of this Kingdom, or of the Plantations, who have retained their Allegiance.

13. Whereas an Ordinance hath been passed in Our Province of Quebec, intituled, "An Ordinance for securing the Liberty of the Subject, and for the Prevention of Imprisonments out of this Province;" It is Our Will and Pleasure that you do take effectual Care that the said Ordinance be duly enforced, so that every Security to Personal Liberty, which is thereby provided for, may be fully enjoyed by Our Subjects in that Province.

14. Whereas, in pursuance of our former Instructions to Our Governors and Commanders in Chief, Courts of Justice have been established within Our Province of Quebec; It is therefore Our Will and Pleasure that you do take due Care that in all Cases whatever the Powers and Authorities granted by Us, or by any Ordinance confirmed by Us, to the said several Courts, be duly observed and enforced, and that the Proceedings therein be in all Things conformable to the said Act of Parliament, "for making more effectual Provision for the Government of the Province of Quebec," and to such Ordinances as may have been, or hereafter may be enacted by the Legislature for those Purposes. [The remaining Part of this Article is verbatim in the 15th Article of the Instructions of 1775.]

61. And whereas We are desirous that a proper Provision should be made for the Support of Our Government within Our said Province of Quebec, We do therefore hereby declare it to be Our Royal Intention, that the following Annual Salaries and Allowances be discharged and paid out of any Revenues arising to Us within the same, or out of such Monies as shall be granted or appropriated to the Uses and Services of Our said Province of Quebec; (that is to say)

To the Governor per Ann.	—	—	£.2,000	—	—
Lieut. Governor	—	—	1,500	—	—
To the Chief Justice	—	—	1,200	—	—
To 6 Judges of Common Pleas	£.500	each	3,000	—	—
To the Judge of the Admiralty	—	—	200	—	—
To the Attorney General	—	—	300	—	—
To the Clerk of the Crown and Pleas	—	—	100	—	—
To Two Sheriffs, at £.100 each	—	—	200	—	—
To the Secretary and Register	—	—	400	—	—
To the Clerk of the Council	—	—	100	—	—
To the Surveyor of Lands	—	—	300	—	—
To the Surveyor of Woods	—	—	200	—	—
To the Commissary for Indians	—	—	300	—	—
To the Captain of the Port	—	—	100	—	—
To the Naval Officer	—	—	100	—	—
To the Receiver General of the Revenues	—	—	400	—	—
To 23 Councillors at £.100 each	—	—	2,300	—	—
To the Lieut. Governors, or Superintendants at Detroit	—	—	500	—	—

At

} At £. 100 each.

To One Judge of the Inferior Courts of King's Bench and Common Pleas at each of the above Posts, at £. 100 each Judge.

To an Assitant or Assessor at each Post, at £. 50 per Ann.

To a Sheriff for each District, at £. 20 per

To a Grand Voyer — — — — — £. 200 — —

To a French Secretary — — — — — 200 — —

To 4 Ministers of the Protestant Church, at £. 200 per Ann. each — — — — — 800 — —

To 2 Ministers of the Church of England settled at Sorel and Cataraqui, £. 100 each — — — — — 200 — —

To 2 Schoolmasters, at £. 100 each — — — — — 200 — —

To an Allowance to the Persons licensed to superintend the Romish Church — — — — — 200 — —

To Pensions to the Officers of a Corps of Canadians employed in the last War, and discharged without any Allowance, as follows, viz.

To Mons^r Rigauville, the Commandant of said Corps 200 — —

To 5 Captains, at £. 100 each — — — — — 500 — —

To 10 Lieutenants, at £. 50 each — — — — — 500 — —

To the Commandant of the Savages — — — — — 100 — —

To Annual Contingent Expences — — — — — 1,000 — —

N^o 9.

(COPIE.)

LA très humble Adresse des Citoyens et Habitans Catholiques
Romains de differents Etats dans le Province de Quebec, en
Canada.

A U R O I.

S I R E,

LES Bontés dont Votre Cœur Royal et Généreux a pris plaisir à combler Vos fideles et loyaux Sujets Canadiens, les Démarches actuelles et prématurées de Vos anciens Sujets residents dans notre Province, et le petit Nombre de Nouveaux qui se sont joint à eux, nous font espérer que Votre Très Gracieux Majesté nous permettra de nous prosterner derechef au Pied de Son Trône, pour implorer Sa Bienfaisance et Sa Justice.

Dans

Dans les Adresses que nous avons pris la Liberté de faire passer à Votre Majesté Deux Objets ont en l'Unanimité de nos Concitoyens; la Religion de nos Pères étoit pour Vos nouveaux Sujets, comme pour tous les Peuples du Monde, le Point essentiel de nos Demandes. Animés de cette Confiance, que la Générosité de notre Souverain nous inspiroit, nous espérons, et nous espérons encore, que Votre Majesté nous accordera les Moyens nécessaires pour la perpétuer dans notre Colonie: Nous avons, Très Gracieux Souverain, un Besoin urgent de Prêtres pour remplir les Seminaires et Missions de notre Province; des Régents et des Professeurs de cette Classe, et de toute autre, nous manquent: Nos Collèges sont deserts; de ce Defaut provient l'Ignorance, et de-là la Depravation des Mœurs. C'est un Peuple soumis, un Peuple fidele, qui attend de Votre Clémence Royale la Liberté de tirer de l'Europe des Personnes de cet Etât.

Le Second Objet, Très Gracieux Souverain, étoit, que sous quelque Forme de Gouvernement qu'il plairoit à Votre Majesté établir en cette Province, Vos Sujets Canadiens Catholique jouissent indistinctement de tous les Privilèges, Immunités, et Prerogatives dont les Sujets Britanniques jouissent dans toutes les Parties du Globe soumises à votre Empire. De ce Second Objet s'enfuiroit notre Desir le plus ardent de voir dans le Conseil Legislatif de notre Province un plus grand Nombre de vos nouveaux Sujets Catholiques, proportionnement à celui qu'ils composent; de Personnes expertes dans nos Coûtumes, qui devant naturellement mieux connoître nos Loix Municipales, nous en feroient plus efficacement ressentir les Avantages suivant les Intentions Royales de Votre Majesté, qui nous les a octroyé.

Une Colonie naissante, un Peuple très-imparfaitement instruit des Loix et Constitutions Britanniques, ne croit pas devoir inconsidérément demander des Loix et Coûtumes à lui inconnues; il doit, au contraire, et telle et l'Opinion de Vos Suppliants, s'en rapporter entièrement à la Bienveillance de son Auguste Souverain, qui fait mieux le Gouvernement qui convient à ses Sujets, et les Moyens les plus propres à les rendre heureux.

Qu'il nous soit permis seulement d'affurer Votre Majesté que nous ne participons en aucune Manière aux Demandes de Vos anciens Sujets, conjointement avec quelque Nouveaux, dont le Nombre, en Egard à celui qui compose notre Province, ne peut avoir beaucoup d'Influence.

Que la majeure Partie des principaux Propriétaires de notre Colonie n'a point été consultée.

Qu'il Vous plaise, Très Gracieux Souverain, considerer que la Chambre d'Assemblée n'est point le Vœu unanime, ne le Desir général de Votre Peuple Canadien, qui par sa Pauvreté, et les Calamités d'une Guerre recente, dont cette Colonie a été le Theatre, est hors d'Etât de supporter les Taxes qui en doivent nécessairement resulter; et qu'à bien des égards leur Petition paroît contraire et inconsistante avec le Bonheur de nouveaux Sujets Catholiques de Votre Majesté.

C'est pourquoi, Très Gracieux Souverain, nous Vous supplions, qu'en Consideration de la Fidelité et Loyauté de Vos Sujets Canadiens, dont leur ancien Gouverneur, Sir Guy Carleton, a éclairé la Conduite dans les Circonstances les plus critiques, il soit permis à nos Evêques Diocésains de

tirer d'Europe les Secours Spirituels, qui nous font si indispensablement nécessaires, que le libre Exercice de notre Religion sont continué dans toute l'Etendue, sans aucune Restriction; que nos Loix Municipales et Civiles nous soient conservées dans leurs Entier; et ces Deux Points, avec les mêmes Prérrogatives dont nos Pères et nous jouissions avant la Conquête de ce Pays par les Armes victorieuses de Votre Majesté; que Vos nouveaux Sujets Catholiques, qui forment les Dixneuf-Vingtieme de cette Province, ayent à l'avenir, en Proportion de cette Nombre, une plus grande Part à la Distribution de Vos Faveurs Royales. Et que dans le Cas que Votre Auguste Volonté fût d'acquiescer aux Demandes de Vos Anciens Sujets conjointment avec quelques nouveaux, il vous plaise surseoir Votre Decision Royale jusqu'a ce que tous les Corps et États qui composent notre Colonie ayent été généralement et légalement convoqués, ce que la Saison trop avancée nous empêche de faire en ce Moment; afin que par ce Moyen le Vœu unanime de notre Nation puisse être transmis à Votre Majesté.

C'est que Vos fideles et loyaux Sujets Canadiens, fondés sur Droit Naturel, et plus encore sur Vos Bontés Paternelles, espèrent humblement obtenir de leur Très Gracieux Souverain: Ils ne cesseront de prier pour la Conservation de Sa Personne Sacrée, pour Son Auguste Famille, et la Prosperité de Ses Royaumes. Tels sont les Sentiments qui les font soucrire, avec le plus profond Respect,

S I R E,

De Votre Majesté

Les très-humble, très-obeissants,

Fideles et loyaux Sujets.

N^o 10.

TRANSLATION.

THE most humble Address of the Roman Catholic Citizens
and Inhabitants of various Parts in the Province of Quebec, in
Canada.

To the KING.

S I R E,

THE Favours which Your Royal and generous Heart has taken Pleasure in bestowing upon Your faithful and loyal Canadian Subjects, the present and inconsiderate Measures taken by Your old Subjects who reside in our Province, and the inconsiderable Part of Your new ones who
have

have joined them, give us Reason to hope that Your Most Gracious Majesty will permit us to throw ourselves again at the Feet of Your Throne, to implore Your Goodness and Justice.

In the Addresses which we have taken the Liberty of transmitting to Your Majesty, Two Objects have met with the unanimous Concurrence of our Fellow Citizens; the Religion of our Forefathers was, in the Opinion of Your new Subjects, as it has been with every People, the essential Point of our Demands. Animated with this Confidence, which the Generosity of our Sovereign created, we did hope, and we still hope, that Your Majesty will grant us the necessary Means to perpetuate it in our Colony: We are, Most Gracious Sovereign, in very great Want of Clergy to perform the Duties of the Seminaries and Missions in our Province: Regents and Professors of this Class, and indeed of every other, are wanting: Our Colleges are forsaken; from this proceeds Ignorance, and from Ignorance Depravity of Manners. A submissive, faithful People entertain Hopes of obtaining from Your Royal Goodness Permission to bring from Europe Persons of this Description.

The Second Object, Most Gracious Sovereign, was, that under whatsoever Form of Government it should please Your Majesty to establish in this Province, Your Canadian Catholic Subjects should enjoy all the Privileges, Immunities, and Prerogatives equally with British Subjects in every Part of the World under Your Empire. From this Second Object naturally arose a most ardent Wish of seeing in the Legislative Council of our Province a greater Number of Your new Catholic Subjects in a proper Proportion; Persons well acquainted with our Customs, who of course, knowing better our municipal Laws, would make us more sensible of our Advantages, according to the Royal Intentions of Your Majesty, who has granted them to us.

An Infant Colony, a People very imperfectly acquainted with British Laws and Constitutions, must feel that they ought not inconsiderately to ask for Laws and Usages to them unknown; they ought, on the contrary, and such is the Opinion of your Petitioners, to refer themselves entirely to the Kindness of their August Sovereign, who best knows the Form of Government suitable to His Subjects, and the most proper Means to make them happy.

May we only be permitted to assure Your Majesty that we do not in anywise join in the Requests of Your old Subjects, associated with some of Your new ones, the Number of which, considering the Total which compose our Province, cannot have much Influence.

That the major Part of the principal Proprietors of our Colony have not been consulted.

Most Gracious Sovereign! may it please you to consider, that the House of Assembly is not the unanimous Wish, nor is it the general Desire of the Canadians, who, from their Poverty, and the Calamities of a recent War, of which this Colony was the Theatre, are unable to support the Taxes which must necessarily result; and that for many Reasons their Petition appears

pears contrary to, and incompatible with, the Prosperity of Your Majesty's Catholic new Subjects.

Wherefore, Most Gracious Sovereign! we beseech You, that in Consideration of the Fidelity and Loyalty of Your Canadian Subjects, to which their former Governor, Sir Guy Carleton, has bore Testimony in the most critical Circumstances, it may be permitted for our Diocesan Bishops to procure from Europe those Spiritual Succours which are so indispensably necessary for us; that the free Exercise of our Religion may be continued in its full Extent without any Restriction; that our Municipal and Civil Laws may be entirely preserved, and these Two Points, with the same Prerogatives that our Forefathers and ourselves enjoyed before the Conquest of this Country, by the victorious Arms of Your Majesty; that Your new Catholic Subjects who compose 19-20ths of this Province, may have, in Proportion to this Number, a more considerable Share in the Distribution of Your Royal Favours: And that in case Your August Pleasure should be to acquiesce in the Demands of your old Subjects, conjointly with some of your new Subjects, You may deign to suspend Your Royal Decision until the different Corps and States which compose our Colony may be generally and legally convened, which by the Season being too far advanced cannot be done at present; in order that by this Measure the general Wish of our Nation may be transmitted to Your Majesty.

This is what Your loyal and faithful Canadian Subjects, upon the Principle of natural Right, and still more upon the Reliance on Your Fatherly Goodness, humbly hope to obtain from their Most Gracious Sovereign. They will not cease to pray for the Preservation of His Sacred Person, for His August Family, and for the Prosperity of His Kingdoms.

These are the Sentiments which impel them to subscribe themselves, with the deepest Respect,

S I R E,

Your Majesty's most humble,

Most obedient,

Faithful, and loyal Subjects.

COPY of the Petition of the ancient and new Subjects of Canada.

To the KING's Most Excellent Majesty.

The humble Petition of Your Majesty's ancient and new Subjects, Inhabitants of the Province of Quebec.

May it please Your MAJESTY,

AFTER the Conquest of the Province of Canada by the Arms of Great Britain, Your Petitioners, in Compliance with Your Majesty's Gracious and Royal Proclamation, bearing Date the 7th Day of October, 1763, settled and became established in the new-acquired Colony of Quebec, in the full Reliance on the Faith of the Crown of Great Britain, as expressed in that Proclamation for the Enjoyment of those Laws, that Freedom, and Security, in Canada, which the Principles of the English Constitution afforded in every Part of the British Dominions in America.

Your Petitioners, and the Inhabitants of the Province, have cheerfully, on every Occasion, obeyed the controuling Power of the Parliament of Great Britain, and with Patience have suffered, during a Period of Anarchy and War, rather than wound Your Majesty's Feelings, or embarrass the Throne with Remonstrances and Petitions, at a Time when the Safety of the Nation made sacred every Moment of Public Deliberation. The Actions and Conduct of Your Petitioners, when truly represented, will best express to Your Majesty the Sincerity of their Loyalty and Attachment to the Crown and Government of Great Britain.

Your Petitioners look with Concern on the Burthen of Great Britain, and with great Pain and Commiseration they see the Distresses of Your Majesty's loyal Subjects, who, driven from their Estates, Wealth, and Possessions, are daily taking Shelter in this British Colony; though their unsettled and distressed Situation may, for the present, hinder them from bringing forward their Petitions and their Claims: Your Majesty will readily perceive that a Government similar or superior to that under which they were born, had lived, and were happy, must be considered by those Your Majesty's unfortunate Subjects, as an affectionate Proof of Your Majesty's paternal Care and Regard for them, and the first Comfort which Your Majesty, in Relief to their Distresses, can now grant; and the more so, as it will be a Blessing not merely granted to them, but extended to their Children and Posterity.

Your Petitioners, fully persuaded that the Welfare and Happiness of Your Majesty's Subjects are Objects of Your Majesty's serious and benign Consideration, beg Leave to lay their Petition at the Foot of the Throne, and ardently to request Your Majesty's Interposition for the Repeal of the

Quebec Bill; allowing such Privileges as are already granted to the Roman Catholic Religion, as being inadequate to the Government of this extensive Province, the Cause of much Confusion in our Laws, and fraught with Trouble and Uneasiness to Your Majesty's loyal Subjects here: And that Your Majesty will be pleased to concur in establishing Your affectionate Subjects of this Province in the full Enjoyment of their Civil Rights as British Subjects, and in granting them a free Elective House of Assembly.—In these Hopes they humbly presume to suggest that Clauses of the following Import may be inserted in the Act of Parliament which shall be made to confirm a free Constitution to this Country.

1st. That the House of Representatives, or Assembly, be chosen by the Parishes, Towns, and Districts of the Province, to be composed of Your Majesty's old and new Subjects, in such Manner as to Your Majesty's Wisdom may seem most proper; that the Assembly be Triennial, and the Members elected every Three Years.

2d. That the Council consist of not less than Thirty Members; and in case of Division on any Measure before them, that no Act shall be passed unless at least Twelve Members agree to carry the Vote. That the Appointment of the Members may be during their Residence in the Province, and for Life, yet subject to temporary Leave of Absence, as mentioned in the 11th Article; and that they serve as Councillors without Fee or Reward.

3d. That the Criminal Laws of England be continued as at present established by the Quebec Act.

4th. That the ancient Laws and Customs of this Country respecting Landed Estates, Marriage Settlements, Inheritances, and Dower, be continued, yet subject to be altered by the Legislature of Quebec: And that Owners may alienate by Will, as provided by the 10th Section of the Quebec Bill.

5th. That the Commercial Laws of England be declared to be the Laws of this Province in all Matters of Trade and Commerce, subject to be changed by the Legislature of Quebec, as in the preceding Article.

6th. That the Habeas Corpus Act, the 31st Charles II. be made Part of the Constitution of this Country.

7th. That optional Juries be granted, on all Trials in Courts of original Jurisdiction; that they be regularly balloted for, and a Pannel formed, as in England, either in the Case of an Ordinary or a Special Jury, at the Option of the Party applying for the same; and that Nine Members out of the Twelve may in Civil Causes be sufficient to return Verdict, subject to be modified by the Legislature of Quebec, as in the 4th Article.

8th. That the Sheriffs be elected by the House of Assembly, and approved and commissioned by the Governor at the Annual Meeting of the Legislature: That they hold their Appointment during the Period elected for, and their good Behaviour, and that they find reasonable Security for a faithful Discharge of their Duty.

9th. That no Officer of the Civil Government, Judge or Minister of Justice,

Justice; be suspended by the Governor or Commander in Chief for the Time, from the Honors, Duties, Salaries, or Emoluments of his Appointment, but with the Advice and Consent of Your Majesty's Council for the Affairs of the Province, which Suspension shall not continue after the Annual Sitting of the Council, unless it be approved by the same; the Cause of Complaint if approved, to be thereafter reported to Your Majesty, for Hearing and Judgment thereon.

10th. That no new Office be created by the Governor or Commander in Chief for the Time, but with the Advice and Consent of Your Majesty's said Council, and to be approved at their Annual Meeting, as in the preceding Article.

11th. That all Offices of Trust be executed by the Principal in the Appointment, unless by Leave of Absence from the Governor, with Advice and Consent of his Council, which Leave of Absence shall not extend to more than Twelve Months, or be renewed by the Governor, but with the Approbation of the Council at the Annual Session.

12th. That Judges be appointed to preside in the Courts of the Province, to hold their Places during Life, or their good Behaviour; and that they be rewarded with sufficient Salaries, so as to confine them to the Functions of administering Justice; that every Cause of Accusation for a Removal proceeding from the Governor shall follow the Rule laid down in the Ninth Article; and every Cause of Accusation for a Removal on the Part of the Public, shall proceed from the House of Assembly, and be heard by the Council, which, if well founded, shall operate a Suspension, and in either Case be decided in Appeal and Report to Your Majesty.

13th. That Appeals from the Courts of Justice in this Province to the Crown be made to a Board of Council, or Court of Appeals, composed of the Right Honourable the Lord Chancellor, and the Judges of the Courts of Westminster Hall.

14th. Your Petitioners beg Leave humbly to represent to Your Majesty, that from their Proximity to the United States, who from Situation and Climate have many Advantages over them, the internal Regulations for promoting the Trade, Agriculture, and Commerce of this Province are now become more intricate and difficult, and will require great Care and Attention on the Part of the Legislature here to watch over the Interests of this Country; they therefore request that the Assembly may have the Power of laying the Taxes and Duties necessary for defraying the Expences of the Civil Government of the Province; and for that Purpose that the Laws now existing, laying Taxes and Duties to be levied in the Province, may be repealed.

Such, may it please Your Majesty, are the Intreaties and Prayers of Your loyal Subjects; and in full Confidence they trust that Your Majesty will relieve them from the Anarchy and Confusion which at present prevail in the Laws and Courts of Justice of the Province, by which their real Property is rendered insecure, Trade is clogged, and that good Faith which ought and would subsist among the People, and which is the Life and Support of Commerce, is totally destroyed; and be graciously pleased to
secure

secure to them a Constitution and Government on such fixed and liberal Principles as may promote the Desire Your affectionate Subjects of this Province have, of rendering this mutilated Colony a bright Gem in the Imperial Crown of Great Britain, and that may call on the present Generation for their unceasing Acknowledgments and Gratitude, and upon the future to feel as the present, that the Security and Happiness of the People and Province of Quebec depend on an Union with and Submission to the Crown and Government of Great Britain.

In these pleasing Hopes, Your Petitioners will ever pray, &c. &c. &c.

Quebec,
24th November 1784.

N^o 12.

(COPIE.)

OBJECTIONS aux Demandes faites à notre Auguste Souverain, par l'Adresse lue dans une Assemblée tenue chez les R. R. P. P. Recolets, le 30 Novembre 1784.

Demandé
au Prologue.

QUE, considérant le Fardeau de la Grande-Bretagne, il nous soit accordé une Chambre d'Assemblée, pour imposer des Taxes, &c.

Repondu.

Que c'est avec Douleur certainement, que nous devons regarder le Fardeau de notre Mère Patrie; mais, hélas! ce ne peut être qu'une Douleur infructueuse; car, quel Remède y pouvons nous apporter? Nous! dont les Besoins renaissent chaque Jour! Nous! qui chaque Année nous dépouillons jusqu'au dernier Sol pour payer les Effets (déjà consommés) qu'est obligée de nous fournir cette Mère Patrie! Nous, que, malgré les Sommes énormes que la Guerre à occasionné, de laisser en ce Pays Sommes encore en Arrière avec la Metropole, d'une Balance de Comptes considérable. Quelles sont donc nos Ressources pour appuyer des Taxes?—Sera-ce sur les Villes?—Qui ne connoît pas l'Indigence de leur Citoyens.—Sera-ce sur les Terres?—Qui ne sçait pas que les Campagnes endettées envers les Villes, n'ont pu jusqu'à présent se liquider; que la Misère est le Partage d'une très-grande Partie de leurs Habitants.—Que sera-ce donc lors qu'une Partie de leurs Travaux sera consacrée pour le Soutien de l'Etat?

Cet Exposé, vrai dans tous les Points, doit convaincre qu'une Chambre d'Assemblée pour imposer des Taxes est non seulement inutile, mais encore préjudiciable aux Intérêts de cette Colonie.

Article 1.
Demandé.

Que la Chambre soit indistinctement composée d'anciens et nouveaux Sujets, &c.

Repondu.

Cet Article demande une plus grande Extention; car, par ce Mot indistinctement, il pourra y avoir autant & même plus d'anciens que de nouveaux

nouveaux Sujets dans la Chambre, ce que seroit contraire au Droit Naturel, puis qu'il y a vingt Canadiens contre un ancien Sujet.—Que deviendront nos Droits, confiés à des Etrangers à nos Loix?

Que le Conseil soit composé de Trente Membres, sans Appointements, &c. Article 3. Demandé.

Que cela fera bon, s'il se trouve assez de Riches désintéressés pour prendre le Parti du Peuple, l'honnête Indigent étant dans l'Incapacité de donner son Temps pour rien. Repondu.

Que les Loix Criminelles d'Angleterre soient continuées, &c. Article 3. Demandé.

Que la Douceur de ces Loix doivent en faire desirer la Continuation, mais Demande inutile, puisqu' nous les avons. Repondu.

Que les Loix, Coûtumes, et Usages de ce Pays, soient continuées, sujettes, néanmoins, aux Altérations que la Législation trouvera nécessaire, &c. Article 4. Demandé.

Cet Article est contradictoire, en ce qu'il constate nos Droits, et les détruits entièrement. En Effet, n'est ce pas les détruire, que de les soumettre aux Altérations que la Législation trouvera nécessaire d'y faire?—Ne deviendront ils pas arbitraires?—Que pourra t'on statuer sur les Droits aussi changeants que les Chambres auxquelles ils seront soumis? Repondu.

Que les Loix de Commerce d'Angleterre soient déclarées celle de cette Province, sujettes aux mêmes Altérations que l'Article 4°, &c. Article 5. Demandé.

Que la Réponse à l'Article 4° est la même pour celui-ci. Repondu.

Que l'Acte d'Abeas Corpus soit en Force, &c. Article 6. Demandé.

Que notre Auguste Souverain nous l'ayant accordé, il est inutile de l'importuner pour cet Objet. Repondu.

Que dans les Cours de Jurisdiction il soit accordé des Jurés à la Demande des Parties. Demandé.

Que cet Article est entièrement en Faveur du Riche, contre le Pauvre. Repondu. Si ce sont des Jurés ordinaires, Pauvres, que deviendront vos Familles, lorsqu'il vous faudra laisser vos Travaux, une Partie de l'Année, pour aller décider des Causes qui ne vous regardent en rien?—Vous vous plaignez déjà d'être obligés de les interrompre, lorsque vous êtes appelés pour les Affaires Criminelles, ce qui arrive Six Fois l'Année. Que fera ce donc lorsque vous serez obligés d'assister à toutes les Audiences? Quelqu'un dira peut être que cela se fait à Londres, qu'en conséquence on le peut faire dans ce Pays. Que ce quelqu'un compare le Nombre de Citoyens de Londres, se montant à Trois Cens Mille Hommes environ, avec Douze Cens tout au plus que vous êtes dans cette Ville et ses Fauxbourgs. Pour lors il verra que vous serez obligés de vous trouver 250 Fois à l'Audience contre Une Fois que se trouve le Citoyen de Londres. Jugez par la si vous avez d'autre Métier à faire, & que deviendront vos Familles.

Si ce sont des Jurés Spéciaux (en conséquence payés) quel est le Pauvre qui pourra lutter contre un riche Oppresseur, Détenteur de son Bien; qui, pour l'écraser, demandera des Jurés (qu'on ne pourra lui refuser) ne sera ce

pas mettre le Pauvre dans l'Alternative d'abandonner sa Cause, ou se voir totalement ruiner, s'il vient à succomber? On se plaint des Frais qu'entraîne la Justice. Qui pourra y suffire lorsqu'il faudra y joindre la Paye de Douze Jurjes? N'est ce pas fermer la Porte du Sanctuaire de la Justice à l'Indigent?

Article 8.
Demandé. Que le Cheriffs soient élus par la Chambre, approuvés et commissionnés par le Gouverneur, &c.

Repondu. Que si le Cheriff nommé par la Chambre ne convient pas au Gouverneur, que deviendra l'Administration des Loix et de la Justice?—De là ne s'enfuivra t'il a par un Temps d'Anarchie, prejudiciable aux Intérêts publics.

Article 9.
Demandé. Que nul Officier Civil ne pourra être suspendu de sa Charge par le Gouverneur, sans le Consentement du Conseil, &c.

Article 10.
Demandé. Qu' aucune nouvelle Charge Civile soit créée par le Gouverneur, sans le Consentement du Conseil, &c.

Article 11.
Demandé. Que les Emplois de Confiance soient exercés par les Personnes mêmes, &c.

Repondu. Que les Trois Articles précédent feroient admissibles en Temps et Lieu.

Article 12.
Demandé. Qu'il soit nommé des Juges dans les Cours de la Province, qu'ils ayent des Appointements fixes et suffisants, &c.

Repondu. Qu'il est juste d'avoir des Juges pour administrer la Justice, qu'ils aient des Appointements suffisants pour vivre convenablement à leur Etat; car sans cela ou ils négligeront les Devoirs de leur Charge, pour s'occuper de Soins qui puissent les mettre plus à leur Aise, ou ils mettront la Justice à l'Enchere.

Article 13.
Demandé. Que les Appels des Cours de Justice de cette Province soient fait au Lord Chancelier à la Cour de Westminster Hall.

Repondu. Que nous avons eu jusqu'a présent Recours au Roi, et à son Conseil, qui prend nos Loix pour Guides de leur Décision. Mais que deviendront tous nos Droits rapportés dans une Chambre qui ne s'écarte en rien des Loix et Constitutions Britanniques? Hors, si le Conseil de la Province change vos Loix, et y substitue celles d'Angleterre, dans quelle Confusion et Embarras ne nous mettra-t-il pas? Si, au contraire, il les laisse subsister, quel Moyen d'Appel aurons nous dans une Chambre qui y fait une entiere Abstraction?

Article 14.
Demandé. Qu'il plaise à Sa Majesté, pour le Bien du Commerce, et faire fleurir l'Agriculture, revêtir la Chambre d'Assemblée du Pouvoir d'imposer des Taxes, &c.

Repondu. Que cet Article, mûrement considéré, pourroit donner Matière à bien des Reflexions. Car, qu' y a t'il de Commun entre nos Demandes et cette Proximité, ce Climat, cette Situation des Etats Unis, qui leur donne l'Avantage du Commerce sur nous? Sera ce pas le Moyen des Taxes qu'on prolongera notre Été de Trois Mois; qu'on rendra notre Fleuve navigable toute l'Année? Non; donc l'Avantage restera toujours chez nos Voisins.
Sera

Sera ce les Taxes qui feront fleurir notre Agriculture ? Non ; puisque les Seigneurs, pour l'encourager, donnent des Terres pour Trois Ans, sans aucune Redevance, et qu'elles restent incultes, faute de Moyens pour les ouvrir.

Qu'est ce donc qui peut compenser leur Avantage sur nous ? C'est le Repos dont nos Campagnes ont joui jusqu'à présent : Exemptes de Taxes elles ont vus, malgré l'Appreté du Climat, le Fruit de leurs Travaux, et en ont joui. A cela on répond que les Campagnes ont été molestées par le Logement des Troupes, et les Corvées, il est vrai ; mais les Taxes qu'on leur imposera les exempteront ils de cela ?—Voyons le.

Lorsque le Roi jugera nécessaires d'envoyer des Troupes dans cette Colonie, pour la Sureté de nos Propriétés ; quelqu'un s'y opposera-t'il ? Non, c'est un Droit que le Roi a dans tous ses Etats, sans même être obligé d'en rendre Compte. Avons nous des Cazernes en Etat de loger ces Troupes ? Non.—Peuvent elles être toute l'Année sous des Tentes ? Non, donc, nous ferons des Cazernes, ou nous les logerons.

Les Troupes menent avec elles un Train considérable de Munitions, Vivres, &c. Qui transportera ces Effets à leurs Destinations ? Des Gens de bonne Volonté, dit-on, qu'on payera bien. Vous aurez des Gens de bonne Volonté, il est vrai, mais à des Prix si exorbitants, que la Province ne pourra pas souffrir à cette seul Branche de Dépense. Les taxera-t'on ? Il n'y en aura plus. Donc, pour ne pas arrêter des Travaux aussi indispensables, on sera obligé de commander en Conséquence nous ferons des Corvées.

Quelqu'un dira, peut être, comme il a déjà dit, qu'on prendra ce qu'on appelle Volontaires dans les Campagnes. Voilà donc une Classe d'Hommes Libres condamnés à l'Esclavage. N'est ce pas assez que la Fortune leur soit ingrate, sans encore aggraver leur Malheur par la Servitude ? Cela étant inadmissible, tout bien considéré, mûrement examiné, il faut conclure que les Taxes ne pourront pas nous exempter ni du Logement des Troupes, ni des Corvées ; qu'en conséquence la Chambre pour les imposer est contraire aux Interets de cette Colonie indigente.

Je certifie, que dans le Courant du Mois de Decembre de l'Année 1784, j'ai imprimé aux environ de Deux Cens Exemplaires des Objections ci-dessus, et environ le même Nombre d'une Adressé à Sa Majesté, en Opposition à la Chambre d'Assemblée dans le même Espèce de Temps.

Montreal,
29 Decembre, 1788.

FL. MESSELET,
Imprimeur.

(TRANSLATION.)

OBJECTIONS to the Requests made to Our Gracious Sovereign by the Address read in an Assembly, held at the Reverend Fathers Recolets, the 30th November 1784.

- Request Introductory. **T**HAT, considering the Burthen on Great Britain, we may be allowed a House of Assembly to impose Taxes, &c.
- Answer. That it is certainly with Concern that we ought to consider the Burthens of our Mother Country; but alas! our Concern can be of no Avail; for what Remedy can we offer in Support of them? We! whose Wants encrease every Day!—We! who every Year strip ourselves even to the last Farthing to pay for those Articles (already consumed) which we are obliged to take from our Mother Country!—We! who notwithstanding the enormous Burthens of this Country, occasioned by the War, are still in Arrear with the Metropolis to a very considerable Amount, what are our Resources for the Support of Taxes?—Are they in our Cities? Who is unacquainted with the Distresses of Our Citizens?—Are they in the Lands? Who does not know that the Countries indebted to the Cities have not yet been able to discharge those Debts, and that Misery is the Lot of a great Part of the Inhabitants of those Countries?—What then must be the Consequence if a Portion of their Toils is to be applied to the Support of the State?
- This Representation, true in all its Points, ought to prove that an House of Assembly to impose Taxes is not only unnecessary, but even prejudicial to the Interests of this Colony.
- Article 1. Request. That the House shall indiscriminately be composed of ancient and new Subjects, &c.
- Answer. This Article requires a greater ^{Extension} _{Explanation,} for, by the Word indiscriminately, there may be as many and even more ancient than new Subjects in the House, which would be contrary to natural Right: As there are Twenty Canadians to One ancient Subject, what is to become of our Rights, entrusted to Strangers to our Laws?
- Article 2. Request. That the Council be composed of Thirty Members, without ^{Salaries,} _{Appointments,} &c.
- Answer. That would be very proper, if among the Rich there is a sufficient Number of disinterested Persons to take the Part of the People, the poor honest Man being unable to give his Time for nothing.
- Article 3. Request. That the Criminal Laws of England be continued, &c.
- Answer. That the Mildness of these Laws ought to make the Continuation of them

them desirable; but it is an unnecessary Request, as we already enjoy them.

That the Laws, Customs, and Usages of this Country be continued, **Article 4.**
subject nevertheless to the Alterations which the Legislature shall find **Request.**
necessary, &c.

This Article is contradictory, in as much as it both ^{proves} ^{establishtes} **Answer.**
our Rights, and destroys them entirely. Is it not in effect to de-
stroy them, to ^{subject} ^{submit} them to the Alterations which the Legislature may
find it necessary to make in them?—Will they not become arbitrary?
—What can be enacted on Rights as changeable as the Houses to which
they will be submitted?

That the Commercial Laws of England be declared the Laws of this **Article 5.**
Province, subject to the same Alterations as in Article 4, &c. **Request.**

That the Answer to Article 4, is the Answer to this Article. **Answer.**

That the Habeas Corpus Act be in Force, &c. **Article 6.**

That our Gracious Sovereign having already granted it to us, it is un-
necessary to trouble him on this Point. **Request.**

That in the Courts of Jurisdiction, Juries may be allowed at the Request **Request**
of the Parties. **7.**

That this Article is entirely in Favour of the Rich against the Poor. If **Answer.**
they are common Juries, ye Poor, what will become of your Families, if
ye are obliged to quit your Labours, for a Part of the Year, to go and
decide upon Causes which do not at all concern you? You already com-
plain of being obliged to interrupt those Labours when you are called
upon for Criminal Affairs, which happens Six Times a Year. How much
then will you complain, when you shall be obliged to give your Assistance
upon every Hearing? Some may say, perhaps, that that is done in Lon-
don, and consequently that it may be done in this Country. Let such
Persons compare the Number of the Citizens of London, amounting to
about Three hundred thousand Men, with Twelve hundred, your utmost
Number in this City and its Suburbs. It will then appear that you will be
obliged to give Attendance Two hundred and Fifty Times at Hearings to One
Attendance of the Citizen of London. By that you may judge if you
can attend to any Thing else, and what will become of your Families?

If they are Special Juries (and of course to be paid) how is the poor
Man to contest with a rich Oppressor, the Detainer of his Property, who
in order to crush him will demand a Jury (which cannot be refused to
him); would it not be forcing him to the Alternative, either of abandoning
his Cause, or of finding himself totally ruined? Should he succeed in it,
Complaint is made of the Expence of obtaining Justice. Who can sup-
port it, if obliged to add to it the Payment of a Dozen Juries? Would not
this be to shut the Door of the Sanctuary of Justice against the In-
digent?

That the Sheriffs shall be chosen by the House, and approved and com- **Article 8.**
missioned by the Governor, &c. **Request.**

- Answer.** If the Sheriff named by the House be not agreeable to the Governor, what is to become of the Administration of the Laws, and of Justice?
From thence will there not follow a Period of Anarchy, prejudicial to the Public Interests?
- Article 9. Request.** That no Civil Officer shall be suspended from his Charge by the Governor, without the Consent of the Council, &c.
- Article 10. Request.** That no new Civil Employment shall be created by the Governor, without the Consent of the Council, &c.
- Article 11. Request.** That the Employments of Trust be exercised by the Persons themselves, &c.
- Answer.** That the Three preceding Articles would be admissible in Time and Place.
- Article 12.** That Judges shall be appointed for the Courts of the Province, and that they shall have settled and sufficient Salaries, &c.
- Answer.** That it being proper to have Judges for the Administration of Justice, they should have Salaries sufficient for their Support, suitable to their Rank; for otherwise they will either neglect the Duties of their Office, to attend to Concerns that will place them more at their Ease, or they will put Justice to Sale.
- Article 13. Request.** That the Appeals from the Courts of Justice of this Province be made to the Lord Chancellor at the Court of Westminster Hall.
- Answer.** That we have hitherto had Recourse to the King and His Council, who took our Laws for the Guides of their Decision. But what will become of all our Rights if stated in a Court which in no Instance departs from the British Laws and Constitution? Besides, if the Council of the Province change your Laws, and in their Room substitute those of England, in what Confusion and Embarrassment will you not be placed? If, on the other Hand, they let them remain, what Means of Appeal shall we have in a Court entirely differing from them?
- Article 14. Request.** That it may please His Majesty, for the Benefit of Commerce, and to make Agriculture flourish, to invest the House of Assembly with the Power of imposing Taxes, &c.
- Answer.** That this Article, maturely considered, may afford Ground for many Reflections. For what is there in common between our Wants and that Proximity, that Climate, that Situation of the United States, which gives them the Advantage of Commerce over us? Will it be by Means of Taxes that our Summer will be prolonged by Three Months; that our River will be rendered navigable all the Year? No. Then the Advantage will always remain with our Neighbours.—Will it be by Taxes that our Agriculture will flourish? No; for our Seigneurs, to encourage Agriculture, grant Lands for Three Years, without any Quit Rent, and which remain uncultivated for Want of the Means of working them.—What is it then that can compensate their Advantages over us? It is the Quiet which till now our Countrymen have enjoyed, free from Taxes: They have seen, notwithstanding the Nature of our Climate, the Fruits of their Labours, and
have

have enjoyed them. To that it is answered, that the Countries have been molested by the quartering of Troops, and by *Jobs*. It is true; but will the Taxes to be imposed free them from that?—Let us see. *Repairing the Highways.*

When the King shall think proper to send Troops to this Colony for the Security of our Property, will any one oppose it? No; it is a Right which the King has in all His Dominions, without even being accountable for it.—Have we *Cazernes* fit to lodge these Troops? No.—Can they be encamped all the Year? No. Then we must either make *Cazernes*, or quarter the Troops. *Barracks. Barracks.*

If the Troops bring with them a considerable Train of Ammunition and Provisions, &c. who will transport these Articles to the Places of their Destination?—Well-disposed People, it will be said, who will be well paid. You will find well-disposed People, it is true, but at such exorbitant Prices, that the Province will not be equal to this Article of Expence. Will you tax them? You will no longer find any. Then, in order not to delay such indispensable Services, they must be done by Command, and in consequence we must *continue the Repairs of Highways*. *Statute Labour.*

It may be said, as has already been said, that what are called Volunteers will be taken in the Countries. Then there will be a Class of Free Men condemned to Slavery. Is it not enough that Fortune is unkind to them, without farther aggravating their Misfortune by Servitude? That being inadmissible, every Thing maturely considered, it must be acknowledged that Taxes cannot either exempt us from the quartering of Troops, nor from *Statute Labour*; in consequence that a House to impose Taxes is contrary to the Interests of this indigent Colony. *Repairs of Highways.*

I certify, That in the Course of the Month of December 1784 I have printed about 200 Copies of the above Objections; and in the same Period about the same Number of Copies of an Address to His Majesty, against a House of Assembly.

Montreal,
29 December 1788,

F. L. MESSELET;
Printer.

N^o 14.

COPY of a Petition, intituled, "The Petition of Sir John
"Johnston, Bart. and others, in Behalf of the Loyalists settled
"in Canada." Dated London, 11th April 1785; and signed
by Colonel Gay Johnston, and others.

To the KING's Most Excellent Majesty.

The Petition of Sir John Johnston, Baronet, and others,
whose Names are hereunto subscribed, on Behalf of the
Officers and Soldiers of the Provincial Troops and Indian
Department, who served under their Command during
the late Rebellion; and of the other Loyalists, their Affo-
ciates, who have taken Refuge in Canada.

Most humbly sheweth,

THAT the Persons of the above Description, animated by your Pe-
titioner's Example, having sacrificed their Estates and Properties in
Support of Your Majesty's Laws and Government, did faithfully serve in
Canada, and on its Frontiers, till the Reduction of these Corps; when being
still actuated by the same Principle of Loyalty and Affection, they, to the
Number of several Thousands, resolved to settle within Your Majesty's
Government, on the Lands assigned them as a Reward for their Services,
and in pursuance of the Proclamation of Your Majesty's Commissioners
in the Year 1776; and entered earnestly on the Improvement thereof, with
a Prospect of making a Provision for their Families, and thereby contribut-
ing greatly to the Advantage, Strength, and Security of that Province, and
to the Increase of Your Majesty's Revenues.

That the Tenure of Lands in Canada is such as to subject them to the
rigorous Rules, Homages, and Reservations, and Restrictions of the French
Laws and Customs, which are so different from the mild Tenures to which
they had ever been accustomed, and which continue to be enjoyed by the rest
of Your Majesty's Subjects, has occasioned a general Discontent, and would
have induced many to decline accepting their Locations, and to resolve on
abandoning their Enterprize, but for the Influence of Your Petitioners,
who had first led them into the Service, and on whose Endeavours they
relied for obtaining, through Your Majesty's Favour, the Grant of such
Terms and Tenures, and the Establishment of the same Laws, as they
formerly enjoyed under the Auspices of Your Majesty's Government. In
full Confidence of this happy Event they were prevailed upon to persevere
in their Settlements, on which they have already, at some Expence, and
much Labour, erected Habitations, and cleared Part of the Lands allotted
to them.

For the Attainment of these Objects, so essential to the Happiness of
Your Majesty's faithful Subjects, so conducive to the Increase of these new
Settlements,

Settlements, and so salutary in their Consequences to the Public, we have, upon mature Deliberation, formed a Plan, which, with the Reasons in Support of it, we humbly presume to submit to Your Majesty's Royal Consideration.

1st. It is proposed, that the County of Point Boudet, on the Lake St. François, in the River St. Lawrence, and from thence Westward, shall be comprehended within One District distinct from the Province of Quebec, under the Government of a Lieutenant Governor and Council, to be appointed by Your Majesty, with the necessary Powers of internal Regulation, but subordinate to the Governor and Council of Quebec, in the same Manner as the Island of Cape Breton now is to the Government of Nova Scotia. This Territory will include all the Settlements made or intended to be made by the disbanded Corps, and the other Loyalists, while it leaves all French Canada and the French Seigneuries as they were before.

2dly. That this Territory shall be subdivided into smaller Districts or Counties, Cataraqui being the Metropolis, with Courts of Justice, to be established by Your Majesty.

In Support of such an Arrangement, we beg Leave to remark, that it will be productive of the most beneficial Consequences, not only to the Settlers, but to the Nation at large. Whilst this Territory remains a Part of the Province of Quebec, and the Inhabitants amenable to the Courts of Justice there and at Montreal, the Delay and Expence of an Attendance on those Courts, both to Suitors and Witnesses, will be enormous, the Distance from Detroit to Montreal being not less than Six hundred Miles, without any Road whatsoever, and the Water Communication exceedingly tedious, precarious, and during the Winter Season absolutely impassable: Crimes will be committed with Impunity, from the Difficulty of Prosecutions; and Civil Remedies in Effect rendered burthensome from the same Causes.

The Inhabitants of this Territory, already amounting to several Thousands, conceive with all Humility that they have the strongest Grounds to hope for such an exempt Jurisdiction as they ask for: They were born British Subjects, and have ever been accustomed to the Government and Laws of England. It was to restore that Government, and to be restored to those Laws, for which from Husbandmen they became Soldiers, animated with the Hope, even in the most gloomy Aspect of Public Affairs, that should they fail in their Attempts to recover their former Habitations by a Restoration of Your Majesty's Government, they would still find a Resource in some Parts of the British Dominions, where they might enjoy the Blessings of British Laws, and of the British Government; and they still possess the greatest Confidence, that by Your Majesty's Gracious Interposition they will be exempted from the Burthens of French Tenures, which, however congenial they may be to Men born and bred under them, would be in the highest Degree exceptionable to Englishmen. The Petitioners have the more Confidence in the Success of their Application, from reflecting that they do not ask for more than has already been granted to their Fellow Sufferers in Nova Scotia, for less indeed than is enjoyed by those who are settled in the Province of New Brunswick, and only to be in the same

Situation with the Settlers in the Island of Cape Breton: A Distinction between Men under the same Circumstances of Proscription, Confiscation, and Attainder, and who had been invited into the Public Service, and to take Part in the Royal Cause, by the same Assurances of Protection, and the same gracious Offers of Rewards, in the One Case continuing to Settlers the Blessings of the British Constitution, and in the other subjecting them to the Hardships of French Tenures and French Laws, they trust will not be permitted by a Gracious Sovereign, who is the Father of all His People.

In Consideration of the vast Extent of this Territory, along an important and valuable Communication, which is not only the Channel of the Fur Trade, but the Residence of those Nations of Indians who took Part in Support of the Royal Cause, the Security, Growth, and Extension of these Settlements, must evidently be an Object of the utmost Consequence, not only as it will most essentially secure and promote that Trade, but as it will preserve those Indians in their Adherence to Your Majesty. The United States are duly impressed with this Idea, and have already manifested a Purpose of supplanting us in the Friendship of the Indians; and unless they are counteracted, the British Interest with those Nations will very rapidly decline. We humbly presume that effectually to counteract them nothing would be so conducive as the Establishment of a liberal System of Tenure, Law, and Government in this new Settlement; this would best contribute to the Growth and Increase of it; for, while it would stimulate the Adventurers themselves to the most vigorous Exertions, it would invite and encourage Emigration to it; for as the present Inhabitants before the Rebellion principally resided in the now United States, their extensive Connections there, from their Attachment to Your Majesty, their ancient Predilection in favour of the British Government, their Dislike of the Republican Governments they now live under, as well as from their Family, and Personal Attachments, would be strongly induced to remove to this new Colony: Should Your Majesty graciously vouchsafe Your Royal Protection to these Settlements, we are confident that in every Competition for the Favour of the Indians Your Majesty will have a decided Advantage, not only from the Influence which many of Your Petitioners are known to have over them, but because Numbers of the present Settlers have long been in Habits of Friendship and mutual good Offices with them, sharing the same Dangers, and fighting in the same Cause, and whose former Prepossession would thus, by Means of a familiar and constant Intercourse with Your Majesty's faithful Subjects, be best preserved and rendered permanent.

Upon the Whole, whether we consider the Relief and Prosperity of the Settlers as Sufferers in the Cause of their King and Country, for whom Your Majesty has ever expressed so benevolent a Disposition, or the Advancement of the Settlement, as conducive to the Benefit of the Nation, in either View, and much more in both Respects, do we conceive that the Plan now proposed is such an One as will merit and obtain Your Royal Attention and Patronage.

For our Part, we conceive ourselves bound by the strongest Ties to use every Endeavour in our Power to promote the Wishes of these People: It

was by our Example that Numbers of them were induced to quit their former Possessions, and to take up Arms, by which they have been deprived of their Property, and banished from their Country; and it was from their Expectation of the Success of our Representation to their Sovereign, that they have entered upon the arduous Undertaking of forming Settlements in a wild and inhospitable Country: Well knowing the Disposition of these People, and the Habits in which they have been bred, we think it our Duty most respectfully to declare it to be our Opinion, that unless they can obtain the Object they are in Pursuit of they will be discouraged from carrying on their present Enterprize, and prefer some other Part of Your Majesty's Dominions, where they may enjoy the Blessings of the British Constitution, but where perhaps they would not be equally useful as they will be in their present Situation, should they receive the Protection they solicit.

Your Petitioners, therefore, impelled by Motives of Humanity towards a Number of distressed Families, by a Sense of Honor and Justice to a Set of deserving Men, who placed Confidence in them, and to whose eventual Loss of Property and Reverse of Fortune they consider themselves in a great Degree accessary, and at the same Time by a Conviction of the public Utility of the Measure, most humbly implore Your Majesty that the Blessings of the British Laws and of the British Government, and an Exemption from the French Tenures, may be extended to the aforesaid Settlements.

London,
11th April 1785.

(Signed)

GAY JOHNSON, Col. 6 Nations, and Superintendant of their Affairs.

ROBT LEAKE, Major late 2^d Battⁿ K. R. Reg^t New York.

JOHN BUTLER, L^t Colonel Commanding late Rangers.

JOHN MUNRO, Capt. late 1st Battⁿ K. R. Reg^t New York.

EBEN JESSUP, late L^t Col. Commanding King's Loyal Americans.

P. DALY, Capt. late 1st Battⁿ K. R. Reg^t New York.

JAMES GRAY, late Major K. R. Reg^t New York.

THO^s GUMMERSAL, Captⁿ late 1st Battⁿ K. R. Reg^t New York.

EDW. JESSUP, Major Command^t late Corps of Royal Rangers.

N° 15.

COPIE du Memoire des Avocats et Notaires de la Province de Quebec. A Quebec, 18° Juin 1785.

A U R O I.

Très humble Représentation des Avocats et Notaires en la Province de Quebec.

QU'IL plaise à Votre Majesté considerer que Vos Supplians, voués dès leur tendre Jeunesse à l'Étude et Pratique des Loix et de la Justice, ont en toutes Occasions notamment, en celles des Troubles de l'Amérique, et pendant le Blocus de la Ville de Quebec, prouvé l'Amour, la Fidelité, et rempli les Devoirs dûs à Votre très Gracieuse Majesté. Personne ne peut mieux l'attester que Sir Guy Carleton, ci-devant Gouverneur, les Honorables Cramahé, son Lieutenant, et Thomas Dunn, Membre du Conseil Legislatif de cette Province, qui sont actuellement à Londres, et qui ont été les Exemples et les Temoins de la bonne Conduite des Supplians, au Nombre de Vos Officiers Civils, et de Vos meilleurs Sujets.

Pauvre de Biens, mais riches en la Justice et Protection de Vôte Majesté, l'Honneur, la Science des Loix, leur Affiduité au Barreau, et dans leur Office de Notaire, enfin la Confiance des notables Seigneurs et Propriétaires de Terre en cette Province, faisoient la Richesse inestimable; et la Conservation de Vos très humbles Supplians et de leur Famille en un Rang mediocre mais honorable, la Continuation même des Loix Municipales que Votre Justice Royale, et votre sage Parlement, ont allouée au Canada comme Pais conquis, qui à constamment suivi sa Coûtume pour la Propriété de Terres, les Droits d'Heritage, et autres necessairement établis depuis le premier Etablissement, et la Capitulation de cette Province, sembloient assurer leur Etat, et la rendre inviolable; mais l'Ordinance, Chap. IV. du Conseil de Quebec, passée en sa dernière Session, qui peut être actuellement se développe pour recevoir de Votre Majesté son Approbation necessaire, ou sa justé Rejection, tend à ruiner Vos respectueux Supplians, et en leur Honneur et en leur anciennes Professions, puis qu'elle les priveroit de l'une entier, et pour avoir fidèlement servi dans les deux, ne leur laisseroit presque rien à faire dans l'autre, sans aucun Avantage à votre Province chérie.

Les Registres public constatent que depuis plus qu'un Siècle et Demi jusque présent, les Notaires en Canada, quoique autrefois soutenus d'une Pension Annuelle de Gouvernement, pratiquoient au Barreau à l'instar des Notaires à la Fois Avocats ou Practiciens dans les Provinces, parceque la Pauvreté ordinaire des Citoyens de Province exige la Breveté dans l'Expedition des Transactions et des Procès, et ne peut nourrir l'Étude et la
Pratique

Pratique séparée de ces Deux Professions pour soutenir par une seule l'Officier qui y seroit borné.

En Effet les Notaires qui n'avoient pas suffisamment la Science d'un Avocat, et la Pratique du Barreau, ou qui avoient eu le Malheur d'être admis lorsque les Gouverneurs multiplioient les Commissions, quoique le Nombre des Notaires et le Barreau ou réduits, faute de Pratiques suffisantes, à un extreme Pauvreté.

Cette Ordonnance passée à Québec en Conseil clos, en Motions et Debats secrets, sans Représentations du Peuple de Votre Majesté, ni de vos Supplians, n'a pû obtenir l'Acquiescement momentané de son Honneur Henry Hamilton, votre bien-aimé Lieutenant Gouverneur en cette Province, que pour la soumettre à Votre Justice et Autorité Royal, ne doutant point que les Lumieres et la Sagesse de notre Chef cheri, et qui ne s'attache qu'à notre Bonheur, ne nous soient actuellement favorable auprès de Votre Trône. Vos Supplians étoient dans la plus profonde Paix et la plus grande Sécurité lorsque cette Ordonnance a été publiée, ainsi que plusieurs autres, qui ont altéré les anciennes Loix Municipales de cette Province. Aucun Abus, aucune Plainte contre vos Supplians, aucune Preuve, aucune Nécessité de les priver de l'une de leurs Commissions, qu'ils ne tiennent que de Votre Prerogative Royale, du contraire une Lésion considérable en les excluant de l'une de leurs Professions, et de ne pouvoir operer par l'autre parcequ'ils ont plaidé ou passé des Accords dans les Affaires de Famille de leurs meilleurs Clients, de sorte que vos Supplians resteroient avec l'Ombre de la seule Profession que leurs anciens Travaux leur rendroient par l'autre infructueuse ou a Charge, si les 6, 7, et 8 Articles de cette nouvelle Ordonnance avoient lieu. Elle a un Effet retroactif, et des Conséquences infinies; elle n'a été conclue qu'entres peu de Tems à la fin de la Session, lors que le Conseil n'étoit composé que de Quinze Membres, après avoir laissé partir plusieurs de plus éclairés et de plus prudents quoiqu'ils ne puissent être moins de Dix-sept. Enfin elle n'a passé qu'à la Pluralité d'une seule Voix. Si cette Ordonnance avoit lieu, vos Supplians, l'un Notaire depuis Quarante Ans, l'autre depuis Vingt-sept, et les autres depuis plusieurs Années Avocats et Notaires, n'auroient d'autres Ressources que de vendre à bas Prix leurs Livres de Loix, servir de Clercs aux Officiers de nouvelle Création, exempts des Incapacités prononcés contre leurs anciennes Pratiques, et pleurer les Dépenses que leur Pères ont faits pour leur Education, au lieu d'en avoir employé la Valeur à leur laisser une Terre à cultiver.

Les Supplians de Votre Majesté osent se referer et soumettre au Moyens que Sept de plus anciens et des plus integres Membres de ce Conseil ont employés, et qui peuvent par écrit bien infirmer les Dispositions de cette Ordonnance. L'Honorable Thomas Dunn, ancien Citoyen, Membre qui étoit à la Session où cette Ordonnance fut proposée, et Juge depuis Quinze Ans, qui est généralement respecté et aimé pour son Integrité et son Amour pour la Vérité, ne peut nous refuser son précieux Temoignage. Nos Deux Professions ne sont pas plus incompatibles que celle d'un Medecin, qui, pour soulager ses Malades pauvres, fait à la Fois l'Exercise du Chirurgien et de l'Apothicaire. Nous flattons que Votre Justice et Autorité Royale rejettera les 6, 7, et 8 Articles de cette Ordonnance, et nous accordera

une Indemnité pour la Privation réelle de nos deux anciennes Professions, et nous necessons de prier pour Votre Majesté.

J. CINQUEST. BARTHELOT BARTIGNY.
A. PANET. CHA. STEWART.

Quebec,
18 Juin 1785.

T. DESCHENAU, pour eux, et Con-
freres de Montréal.

N° 16.

TRANSLATION of the Memorial of the Advocates and
Notaries of the Province of Quebec.

Quebec, 18th June, 1785.

To the KING.

The most humble Representation of the Advocates and No-
taries of the Province of Quebec.

THAT it may please Your Majesty to consider that Your Petitioners, devoted from their earliest Infancy to the Study and Practice of Law and Justice, have on all Occasions, especially during the Troubles in America, and the Blockade of the City of Quebec, testified their Love and Fidelity, and fulfilled their Duty to Your Most Gracious Majesty.

The Truth of this cannot be better attested than by Sir Guy Carleton, heretofore Governor, the Honourable Cramahé, his Lieutenant, and Thomas Dunn, Member of the Legislative Council of this Province, who are actually in London, and who have been Examples and Witnesses of the good Conduct of the Petitioners, amongst the Number of your Civil Officers, and your best Subjects.

Poor in Fortune, but rich in the justice and Protection of Your Majesty, Honour, the Study of Law, their Assiduity at the Bar, and in their Office of Notary; in short, the Confidence of the chief Lords and Proprietors of Estates in this Province, formed the inestimable Riches of Your most humble Petitioners, and of their Families, in a moderate but honourable Rank; even the Continuance of the Municipal Law, which Your Royal Justice, and the Wisdom of Your Parliament, have allowed Canada as a conquered Country, who has constantly preserved her Custom of Property in Estates, the Rights of Inheritance, and others necessarily established since the first settling and Capitulation of that Province, seemed to assure their State, and to render it inviolable; but the Ordinance, Chap. 4, of the
Council

Council of Quebec, passed last Session, which perhaps is actually clearing itself to receive Your Majesty's necessary Approbation or just Rejection, tends to ruin Your respectful Petitioners both in their Honour and in their antient Professions, since it will deprive them wholly of one, and for having served faithfully in both will scarce leave them any Thing to do in the other, without any Advantage resulting to Your cherished Province.

The public Registers state, that for upwards of a Century and a Half to this Period the Notaries in Canada, though formerly maintained by an Annual Pension from Government, pleaded at the Bar in the same Manner as the Advocates, at once Advocates or Practitioners in the Provinces, because the usual Poverty of the Provincial Citizens requires a quick Dispatch in the Transactions and Process, and cannot nourish the Study and Practice separated from these Two Professions, to sustain by One alone the Officer who shall be confined to it. In fact, the Notaries who were not sufficiently versed in the Knowledge of an Advocate, and the Pleadings at the Bar, or who had the Misfortune to be admitted whilst the Governors multiplied the Commissions, although the Number of Notaries was paid by the Laws of that Province, have been forced to abandon their Profession of Notary and the Bar, or reduced for Want of Practice to extreme Poverty.

This Ordinance passed at Quebec in close Council, in secret Motions and Debates, without being represented to Your Majesty's People, or to Your Petitioners; they could only obtain the momentary Acquiescence of his Honour Henry Hamilton, Your well-beloved Lieutenant Governor in that Province, to submit it to Your Justice and Royal Authority, not doubting that the Penetration and Wisdom of our cherished Chief, who attaches himself solely to our Welfare, are at this Moment favourable to us at Your Throne, Your Petitioners were in the most profound Peace and the greatest Security when this Ordinance was published, as well as several others, which have altered the ancient Municipal Laws of this Province. Any Grievances, any Complaints against your Petitioners, any Proof, any Necessity to deprive them of One of their Commissions, which they hold but by Your Royal Prerogative; on the contrary, a considerable Wrong in excluding them from One of their Professions, and of not being able to work by the other, because they have pleaded or passed Agreements in the Affairs of the Families of their best Clients; so that Your Petitioners would be left with the Shadow of the only Profession that their ancient Labours would give them, by the other unprofitable or chargeable, if the 6th, 7th, and 8th Articles of that new Ordinance took Place: It has a retro-active Effect, and of infinite Consequence; it has not been concluded but within a little Time of the End of the last Session, when the Council was composed of but Fifteen Members, after having let many of the most enlightened and prudent depart, though they should not be less than Seventeen: At last it passed but by the Plurality of One single Voice. If that Ordinance took Place, Your Petitioners, the One a Notary above Forty Years, another above Twenty-seven, and others for many Years Advocates and Notaries, would have no other Resource than to sell their Law Books at a low Price, and serve as Clerks to the Officers of the new Creation, exempted by the Incapacities pronounced against their ancient Practice, and lament the Expences which their Fathers have been at for their

their Education, instead of having employed the Value to purchase them Lands to cultivate.

Your Majesty's Petitioners dare to refer and submit to the Means which Seven of the most ancient and most honest Members of that Council have employed, and which may, by writing them down, much weaken the Dispositions of that Ordinance. The Honourable Thomas Dunn, an ancient Citizen, a Member who was at the Session when that Ordinance was proposed, and a Judge upwards of Fifteen Years, who is universally respected and beloved for his Integrity and his Love for Truth, cannot refuse us his precious Testimony. Our Two Professions are not more incompatible than that of a Physician, who, to relieve his poor Invalids, is at once Surgeon and Apothecary. We flatter ourselves, that Your Justice and Authority Royal will reject the 6th, 7th, and 8th Articles of that Ordinance, or grant us an Indemnity for the real Privation of our Two ancient Professions, and we shall not cease to pray for your Majesty.

J. CINQUEST. BARTHELOT BARTIGNY.

A. PANET. CHAR^S STEWART.

J. DESCHENAU, for them, and Brother
Members of Montreal.

Quebec,

18 June 1785.

N^o 17.

EXTRACTS of the Address of the Inhabitants at and above
Cataraqui, to the Right Honourable Lord Dorchester, 17th
November 1786.

A Circumstance highly pleasing to us is, that the whole Body of Loyalists have the common Happiness of being placed under your Lordship's Government; and from your Lordship's great Wisdom, intimate Knowledge of their Interests and Expectations, and the particular Attention paid by your Excellency to their Concerns on former Occasions, we have formed the most sanguine Hopes that we, who are settled on the Frontiers of this Province, will be considered as Members of the same Body, and be blessed with the same Privileges and Indulgencies as have been granted to our Fellow Sufferers and Fellow Subjects in the other new-formed Settlements in British America.

The

The uniform and generous Attention of Government to our Affairs, and the Encouragement and Patronage we have received from your Lordship's worthy Predecessors, will not permit us to entertain a Doubt, but under your Lordship's Auspices our most valuable Interests will be secured, and every reasonable Expectation gratified.

N° 18.

COPY of Petition of Inhabitants from Point au Boudet, on Lake St. Francis, Westward as far as Niagara, April 15th 1787.

To His Excellency the Right Honourable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, and their Dependancies, and Vice Admiral of the same, General and Commander in Chief of all His Majesty's Forces in the said Colonies, and the Island of Newfoundland.

The Petition of the Subscribers residing in the new Settlement, in Behalf of themselves and the Inhabitants at large in the respective Townships from Point au Boudet, on Lake St. Francis, Westward as far as Niagara;

Humbly Sheweth,

THAT your Petitioners, impressed with the most lively Sentiments of Gratitude, beg Leave, through the Channel of your Lordship, to offer their sincere and united Tribute of Thanks to their Most Gracious Sovereign, for the singular and multiplied Favours conferred on them; at the same Time they presume that your Lordship will, with your wonted Goodness, interest yourself in regard to some Propositions they have to make, which, with Submission, they conceive are very essential to promote the Happiness of the People, and facilitate the Progress of the Settlement; and they humbly hope, that what your Lordship cannot with Propriety grant yourself, you will be so condescending as to recommend to His Majesty, for His Royal Approbation and Consent.

1st. It is the confirmed Opinion of your Petitioners, from the fullest Conviction, that if the Blessings of the British Constitution were extended to this Infant Settlement, and their Lands granted according to English Tenures, such a Change would produce many happy Effects; among the rest, to augment the Happiness of the People, to strengthen the Bands as well as the Interest of Government, to give a Spur to Industry, to Population, and Commerce, and damp the Hopes and the Expectations of their Enemies; at the same Time they must confess it is not without some Degree of Envy that they reflect on Privileges and Indulgencies granted to their Fellow Sufferers in Nova Scotia which they themselves do not enjoy, especially when the same Motives which engaged them in the honourable and glorious Cause of defending the Rights of their Sovereign, and the Dignity of the Nation, places them on the same Footing, and gives them equal Pretensions; but notwithstanding they rest satisfied in the Hope that your Lordship's Representation of their Situation will induce His Majesty to interpose His Royal Favour in their Behalf, to remove all Cause of Jealousy, and crown the Happiness of your Petitioners; the Arrangement for this Purpose so anxiously wished for, and the Arguments in Support of it, are so well described in a Petition drawn up by Sir John Johnson and others, in Behalf of themselves and the Loyalists at large in this Province (and presented to His Majesty in Council the 11th April 1785) renders it unnecessary to add any Thing further on the Subject at present, except to beg Leave to refer your Lordship to the aforesaid Petition, and to transmit you a Copy, which will accompany this.

2d. Your Petitioners pray for some Assistance in establishing the Church of England and Scotland in this Infant Settlement, and that a Glebe of Four hundred Acres of Land in each Township may be set apart for a Clergyman.

3d. They pray for some Assistance towards establishing a School in each District, viz. New Johnstown, New Oswigatachie, Cataraqui, and Niagara, for the Purpose of teaching English, Latin, Arithmetic, and Mathematics.

4th. They pray for a Prohibition of Pot and Pearl Ash and Lumber from the State of Vermont, to prevent a Door being opened for an illicit Trade from the United States, which would be a Detriment to the Province in general, to this Settlement in particular, and only beneficial to a few interested Individuals; they also pray for a Bounty to be laid on the above Articles, as well as on Hemp, in order to stimulate their Industry, and encourage their internal Trade.

5th. They pray that Government will be so generous, in Addition to former Bounties, to grant them a Loan of Three Months Provisions, consisting of the Article of Pork only, to be paid by the Settlers in Three Years, under such Restrictions and Obligations as may be thought most expedient to insure the punctual Payment of the same.

6th. They beg to inform your Lordship, that a Number of the Inhabitants

stants who have been in the Service are so unfortunate as not to have drawn any Clothing, by Reason of their not being in the Province at the Periods when it was issued; and that others, who cannot be put in this Class, are yet, notwithstanding, on Account of their distressed Situation, rendered Objects deserving of such an Indulgence.

7th. They pray, that some Plan may be adopted to expedite the Business of running the Division Lines in the respective Townships, to prevent the Increase of an Evil already experienced on Account of that not being done.

8th. They pray that a Post Road may be established from Montreal to Catarqui, with Post Officers for Letters, &c. at New Johnstown, New Oswegatchie, and Catarqui.

9th. They pray that a Passage may be opened from the Head of the Bay of Quinty through Lake Huron, for the Benefit of the Indian Trade, a Channel which at the same Time that it is universally acknowledged to be superior to the old, holds out a Prospect of the most flattering Advantages, not only to the Commerce of this Province in general, but to this Settlement in particular. It is also humbly requested, that the Shipping may be allowed to rendezvous at Catarqui, and the Inhabitants have free Use of the Lakes for whatever Craft they may chuse to build.

10th. They pray, that Three Places may be pitched upon between Point au Boudet and Catarqui, for the Purpose of receiving Grain from the Settlers when they have any to spare, in consequence of your Lordship's generous Proposal communicated to them through the Inspector of Loyalists.

11th. They pray your Lordship will be so kind as to use your Influence with the Commissioners appointed to examine the Claims of the Loyalists, to induce them to make a Journey to New Johnstown, New Oswegatchie, and Catarqui, to investigate the Claims of the Loyalists on this Communication, as the Poverty of the Settlers in general, and the Expence of an Attendance at Quebec or Montreal, in the Prosecution of their Claims, will discourage them from the Attempt, or oblige them totally to relinquish them.

12th. They also pray, that your Lordship will be so good as to confirm to them the Use of the Locks or Canals, as hitherto granted by his Honour Lieutenant Governor Hope, and that you will likewise please to put them on an equal Footing with the Eighty-fourth Regiment, in regard to the Proportion of Lands granted to that Corps. This is a flattering Object to your Petitioners, whose Finances are mostly exhausted in the expensive and arduous Task of forming a Settlement in a new Country, and which on that Account, as well as the Justice of their Pretensions, they hope will induce your Lordship to take this Matter into Consideration

Upon the Whole, your Petitioners have the fullest Confidence that your Lordship will be so good as to pay every Attention to the several Articles contained in this Petition that accord with Reason and Justice; and

and those which may appear otherwise they conceive your Lordship will kindly impute to a mistaken Opinion, or Want of proper Information.

And Your Petitioners, as in Duty bound, will ever pray.

Signed,

Peter Van Alstine,	4th Township	} Bay Quincy.	Alex ^r M ^c Donell,	Township,	N ^o 1.
Geo. Singleton,	3 D ^o		S. Anderfon,	Township,	2.
Arch ^d M ^c Donald,	5 D ^o		John M ^c Donell,	D ^o	N ^o 3.
John Everitt,	1 D ^o		Rich ^d Duncan,	D ^o	N ^o 4.
Henry Simmons,	2 D ^o		John Munro,	D ^o	N ^o 5.
			W ^m Frazer,	D ^o	N ^o 6.
			Justus Sherwood,	} D ^o	N ^o 7.
			James Campbell,		
		J ⁿ Jones,	} D ^o	N ^o 8.	
		Tho ^s Sherwood,			
		Peter Frul,			

New Johnstown,
April 15th, 1787.

N^o 19.

PETITION from the Canadians to the King, dated Montreal, 13 October 1788.

(COPIE.)

La très humble Adresse des Citoyens et Habitans, Sujets Canadiens de differens États dans la Province de Quebec, en Canada.

A U R O I.

S I R E,

VOS fideles et loyaux Sujets Canadiens osent approcher le Trône de Votre Très Gracieuse Majesté, pour lui exprimer la Surprise que leur occasionne une Démarche hazardée des anciens Sujets de Votre Majesté auprès de son Auguste Parlement, qui a pour But l'Établissement d'une Chambre d'Assemblée, l'Introduction des Loix Britanniques dans notre Province, et l'Abolition de nos Loix Municipales.

Que ces anciens Sujets, Très Gracieux Souverain, dont les Inquietudes se renouvellent si souvent, demandent en leur Nom ce qu'ils croient leur Convenu davantage, Vos nouveaux Sujets n'y feroient qu'une foible Attention; mais qu'ils se prevalent, sans aucun Fondement du Concours unanime de notre Nation, pour donner plus de Poids à leurs Démarches, et qu'ils se prétendent autorisés à cet Effet de Vos loyaux Sujets Canadiens en général, cela leur paroît une Temerité à laquelle ils ne peuvent se dispenser à objecter, et contre laquelle ils implèrent Votre Protection Royale, et celle de Votre Auguste Parlement.

Non

Non, Très Gracieuse Souverain, Vos nouveaux Sujets n'ont jamais accédé, et font bien loin d'adhérer aux Demandes de Vos Anciens, dont les Vues ne peuvent tendre à autre Chose qu'à nous priver de nos Droits, en nous rendant inconnus et impraticables les Moyens de les conserver. Qu'un petit Nombre des Canadiens se soit laissé entrainer, cela peut être; mais nous ne craignons pas de dire que la plupart ne possèdent que peu de Biens fonds dans notre Province.

Contre tout Principe de Justice et d'Equité, et contre nos Droits et nos Privileges les plus sacré, jamais, Très Gracieuse Souverain, les grands Propriétaires de notre Nation, et les différents États qui la composent en général, n'ont été consultés, pour faire des Innovations aussi importantes à leur Bonheur, et à leurs Interets communs. Les humbles Adresses présentées de notre Part à Votre Très Gracieuse Majesté sont une Preuve authentique de notre Opposition constante; nous remettons au Très Honorable Lord Dorchester les plus récentes, que nous le prions de transmettre au Pied du Trône de Votre Majesté, ainsi que celles que lui ont été présentées dans l'Année 1787, par les Citoyens des Villes de Quebec et de Montreal.

Ce digne Representant du meilleur des Rois est en Etât, par ses Connoissances acquises sur les Lieux, d'attester la Vérité de nos Avances.

Nos Demandes, Auguste Monarque, se reduisent à conserver nos Loix Municipales, mais qu'elles soient strictement observées; qu'il y ait dans le Conseil Legislatif de notre Province un Nombre proportionné de Vos loyaux Sujets Canadiens. Nous priver de ces Loix et de cette Faveur seroit à l'Univers entier un Sujet de croire que, par notre Deloyauté, nous nous serions attirés l'Animadversion de Votre Majesté.—Ces Loix, sur lesquelles sont appuyés l'Existence de nos Droits, et la Conservation de toutes nos Propriétés, nous sont également precieuses et nécessaires, et loin de nous detacher, comme on a injustement voulu insinuer, de la Fidelité que nous avons solennellement jurée, et inviolablement gardée à Votre Très Gracieuse Majesté; elles nous feront, au contraire, un Motif de redoubler de plus en plus notre Attachment à Votre Personne Sacrée, ainsi que nos Vœux pour la Prosperité de Son Regne glorieux, Sa Conservation, et celle de Son Auguste Famille.

Montreal,
le 13^e Octobre 1788.

Signed by 748 Persons.

After the Signatures the following:

Par devant les Notaires Publics pour la Province de Quebec résidens à Quebec, est comparé Pierre Amable de Bonne, Ecuyer, l'un des Juges à Paix de S. M. Seigneur du Sault St. Marie, et de Choisy, Deputé des Sujets Canadiens, tant des Villes que des Campagnes, dont les Signatures et Noms sont inscrits en l'humble Adresse ci-dessus, lequel nous a représenté,

1. Un Pouvoir des Habitans de la Rivière de la Prairie au dit P. A. de Bonne, Ecuyer, de transporter leurs Noms sur l'humble Adresse à présenter à Sa Majesté, au Nombre de 157 Signatures.

B b

2. Pareil

2. Pareil Pouvoir par Christophe Sanguinet, Ecuyer, Seigneur de Varennes, l'un des Juges à Paix de S. M. au dit P. de Bonne, Ecuyer, de transcrire et apposer au Bas de la dite Adresse, en Consequence de son Certificat donné a Varennes le 20 Octobre de la présente Année, contenant 50 Signatures et Noms.

3. Un pareil Pouvoir au dit Pierre de Bonne, Ecuyer, daté aux Trois Rivières, le 20 Octobre même Année, de transcrire et apposer sur la dite Adresse les Noms et Signatures, au Nombre de 19, qui se trouvent au Bas du dit Pouvoir.

4. Pareil Pouvoir, certifié par Paul Margane, Ecuyer, Sieur de Laval-tier, Seigneur de Laval-tier, l'un des Juges à Paix de S. M. par lequel les Habitans, au Nombre de Cent Quarante-quatre, ont signé au Bas du dit Certificat, permettant et autorisant le dit Pierre de Bonne, Ecuyer, à transcrire et apposer leurs Noms et Signatures au Bas de la dite Adresse.

5. Pareil Pouvoir, certifié le 13^{me} Octobre, même Année, par Paule La Croix, Ecuyer, l'un des Juges à Paix de S. M. au dit Pierre de Bonne, Ecuyer, d'apposer les Noms et Signatures des Habitans de St. Phillippe, au Nombre de 51; de la Prairie, au Nombre de 15; de St. Constant, au Nombre de 42; et un autre Pouvoir de la Paroisse de St. Constant, pour le même Objet, de 59 Habitans.

6. Un autre Pouvoir des Habitans de St. Vincent, au Nombre de 88, suivant le Certificat du Capitaine Joseph La Croix, Présence de Joseph Turgeon et Chatelier, Notaires Royaux, de transcrire et apposer les Noms et Signatures y inscrits.

7. Pouvoir donné à Jean B^e Couillard, Ecuyer, l'un des Juges à Paix de S. M. pour le même Objet, au Nombre de 12 Seigneurs, Gentilshommes et Propriétaires dans la Rivière du Sud, et autres Lieux, que nous avons collationé à la Requisition du dit Pierre Amable de Bonne, avec la présente Adresse, dont il a requis acter, quant aux Noms transportés, comme ci-dessus, que nous lui avons octroyé. Fait et passé à Quebec, en la Maison de Gabriel Elreard Taschereau, Ecuyer, l'un des Juges à Paix de S. M. le 3^e Novembre, 1788.

Signée à la Minute restée entre nos Mains.

P. A. DE BONNE, JACQUES PINGUET,
Notaire; et de nous Notaire soussigné,

CH. NOYER, Not. Pub.

N° 20.

TRANSLATION of a Petition from the Canadians to the King; dated Montreal, 13th October 1788.

To the KING.

The most humble Address of the Canadian Subjects, Citizens and Inhabitants of the Province of Quebec, in Canada.

S I R E,

YOUR faithful and loyal Canadian Subjects presume to approach the Throne of Your Most Gracious Majesty, to express their Surprize at the rash Proceedings of Your Majesty's old Subjects towards Your Parliament, Proceedings which have for their Object the Establishment of a House of Assembly, the Introduction of British Laws into our Province, and the Abolition of the Municipal Laws.

Were these old Subjects, whose Inconveniencies are so often renewed, to ask in their Name what they imagine would be of greater Advantage to them, Your new Subjects, Most Gracious Sovereign, would pay but a trifling Attention to it; but when they take Advantage, without Foundation of the unanimous Concourse of our Nation, to give more Weight to their Proceedings, and when they pretend to be so authorized by Your loyal Canadian Subjects in general, it appears to them a Rashness which they cannot but object to, and against which they implore the Royal Protection of Your Majesty, and of Your August Parliament.

No, Most Gracious Sovereign, Your new Subjects have never acceded to, and are far from approving the Request of Your old Subjects, whose Views tend only to the depriving us of our Rights, by making the Means of preserving them dark and impracticable. It is possible that a small Number of Canadians may have suffered themselves to be drawn in, but we do not hesitate to assert that the greatest Part possess but a small Proportion of Property in our Province.

Contrary to every Principle of Justice and of Equity, and contrary to the Rights and most sacred Privileges, Most Gracious Sovereign, the great Proprietors of the Nation, and the different States which compose it, have never been consulted in such important Innovations, both to their Welfare and to their common Interests.

The humble Addresses presented from us to Your Most Gracious Majesty are an authentic Proof of the constant Opposition: We refer the latest to the Right Honourable Lord Dorchester, which we request him to transmit to the Foot of Your Majesty's Throne, as well as those which were presented to him in 1787 by the Citizens of Quebec and Montreal.

This

This worthy Representative of the best of Kings is enabled, by his local Knowledge, to attest the Truth of what we advance. Our Request, Most August Monarch, is confined to the Preservation of our Municipal Laws, but to the strict Observation of them; that we may have in the Legislative Council of our Province a proportionate Number of Your loyal Canadian Subjects. To deprive us of these Laws, and of this Favor, would be to the whole World a Subject of Suspicion that we had incurred the Censure of Your Majesty by our Disloyalty. These Laws, on which the Existence of our Rights, and the Preservation of our Property rest, are equally valuable and necessary to us; and far from detaching us, as has been unjustly insinuated, from the Fidelity which we have solemnly sworn, and inviolably observed, towards Your Majesty, they will be a Motive of increasing more and more our Attachment to Your sacred Person, as well as of the Prayers for the Prosperity of Your Glorious Reign, and the Preservation of Yourself and Your August Family.

Montreal,
13 October, 1788.

Signed by 748 Persons.

After the Signatures, the following:

Before the public Notaries for the Province of Quebec, resident in Quebec, appeared Pierre Amable de Bonne, Esquire, one of H. M. Justices of the Peace, Seigneur of Sault St. Mary, and de Choisy, Deputy from the Canadian Subjects, both from the Cities and the Country, whose Names are subscribed to the above Address, who has produced to us,

1. A Power from the Inhabitants of the River of the Meadow, to the said P. A. Debonne, Esquire, to add their Names to the humble Address to be presented to H. M. to the Number of 157 Signatures.
2. A like Power by Christopher Sanguinet, Esquire, Seigneur de Varennes, one of H. M. Justices of the Peace to the said P. A. Debonne, Esquire, to subscribe to the said Address, in consequence of his Certificate given at Varennes, 20 October, in the present Year, containing 50 Signatures and Names.
3. A like Power to the said P. Debonne, Esquire, dated at Three Rivers, the 20th October, to subscribe the said Address with the Names at the Bottom of the said Power, amounting to 19.
4. A like Power certified by Paul Margane, Esquire, Sieur de Laval-tier, Seigneur de Laval-tier, one of H. M. Justices of the Peace, by which the Inhabitants, to the Number of 144, signed at the Bottom of the said Certificate, permit and authorize the said Pierre de Bonne, Esquire, to subscribe their Names and Signatures at the Bottom of the said Address.
5. A like Power, certified 13 October, in the same Year, by Paul la Croix, Esquire, one of H. M. Justices of the Peace, to the said P. Debonne, Esquire, to subscribe the Names and Signatures of the Inhabitants of St. Phillip, to the Number of 51; of the Meadow, to the Number of 15; of St. Constant, to the Number of 42; and another Power from the Parish of St. Constant, with the same View, by 59 Inhabitants.

6. A like Power from the Inhabitants of St. Vincent, to the Number of '88, according to the Certificate of Captain Joseph La Croix, in the Presence of Joseph Turgeon and Chatelier, Royal Notaries, to subscribe the Names and Signatures there written.

7. A Power granted to Jean B^{te} Couillard, Esquire, one of H. M. Justices of the Peace, with the same View, to the Number of 12 Seigneurs, Gentlemen and Proprietors on the *South River* and other Places, which we have compared, and *added*, at the Request of the said P. A. Debonne, to this Address, of which he has required a Certificate in respect to the Names subscribed as above, which we have granted. Done and passed at Quebec, in the House of Gabriel Elreard Tashereau, Esquire, one of H. M. Justices of the Peace, the 3d Nov. 1788. *La Riviere
au Sud.*

Signed, from the Minutes in our Possession,

P. A. DE BONNE, JACQUES PINGUET,
Notary; and by me, the under-signed Notary,

CH. NOYER, Not. Pub.

N^o 21.

PETITION from Canadians to Lord Dorchester; dated
Montreal, 13th October 1788.

COPIE.

A son Excellence le Très Honorable Guy Lord Dorchester, Capitaine Général et Gouverneur en Chef des Colonies de Quebec, Nouvelle Ecosse, et Nouveau Brunswick, et leur Dependances, Vice Amiral d'icelles, General et Commandant en Chef de toutes les Troupes de Sa Majesté dans les dites Colonies, et dans l'Isle de Terrebonne, &c. &c. &c.

Qu'il plaise a Votre Excellence,

LES Canadiens soumis au Gouvernement de votre Seigneurie ont vu avec un Déplaisir inexprimable, dans les Papiers publics de Londres, qu'un des anciens Sujets, dans une Adresse à la Chambre des Communes de la Grande Bretagne, se seroit qualifié de Deputé des anciens et nouveaux Sujets de Sa Majesté dans la Province de Quebec. Cette Adresse, Mi Lord, qui à pour Objet une Chambre d'Assemblée, et l'Abolition des Loix et Coutumes de cette Province, loin d'être appuyée des Sujets Canadiens, est également contraire à leurs Interets, et opposée à leurs Desirs. Quelques uns de nos Compatriotes peuvent à la Verité s'être joints avec les anciens Sujets, mais votre Excellence fait de quelle Importance est cette Union; elle connoit aussi que plusieurs des Possesseurs de Fonds, Anglois d'Origine, ne sont point du Sentiment d'établir une Chambre d'Assemblée en cette Province, ni d'en abroger les Loix
C c anciennes;

anciennes; que les anciens Sujets eussent fait cette Démarche pour parvenir à leur Fin; qu'ils eussent cherché en s'adressant à la Chambre Basse du Parlement, à dérouter les Canadiens en les éloignant du Trône, auprès duquel ils apprehendoient peut être qu'ils trouvassent de l'appui; sans parler en leur Nom, et sans vouloir persuader à cette Auguste Affsemblée que les Canadiens en général desiroient le Changement par eux proposé, et qu'il tenoit à Cruauté qu'un tel Bienfait leur fut dénié; les Canadiens sans Doute se seroient peu inquiétés d'une pareille Démarche, sachants bien que chacun a Droit de représenter pour soi-même: Mais, Milord, obligés de rompre le Silence, ils ne peuvent s'empêcher de dire que le Deputé s'est mal à propos, et temerairement servi de leur Nom. Qui peut mieux que votre Excellence attester la Sincerité de l'Opposition qu'ils croyent Devoir former à cette nouvelle et trop souvent répétée Tentative? Vous connoissez, Milord, notre Loyauté, nos Interets réels, et nos Propriétés. Vous savez que, loin de desirer le Changement proposé, nous y avons constamment formés des Oppositions. Ces mêmes Opposants, desireroient que votre Excellence fit un Rapport à Sa Très Gracieuse Majesté, qui, à ses Yeux, et à ceux de Son Auguste Parlement, put les caractériser et donner une Idée juste de Comparaison de l'Importance des Propriétés des uns et des autres. Qu'il nous soit donc permis, Milord, de réclamer ici la Protection dont vous nous avez tant de Fois favorisé, et à laquelle nous nous reconnoissons redevables des Bienfaits de notre Auguste Souverain, dont le plus signalé est de vous avoir rendu à nos Vœux.

Nous prenons la Liberté de transmettre à votre Excellence notre très humble Adresse à Sa Très Gracieuse Majesté, que nous vous supplions de faire parvenir au Pied du Trône, et de appuyer de votre puissante Recommandation; nous y joignons celle de l'Année 1784, et espérons que votre Seigneurie voudra bien y comprendre celles que les Citoyens des Villes de Quebec et de Montreal se firent l'Honneur de présenter à votre Excellence dans les Mois de Janvier et de Fevrier de l'Année 1787.

Ce Bienfait, Milord, ajoutera à la Reconnoissance que nous conserverons à jamais de tous ceux dont notre Nation est redevable à votre Seigneurie; et nous redoublerons nos Vœux pour votre Conservation, et celle de votre illustre Famille.

Montreal,
le 13^e Octobre 1788.

N^o 22.

TRANSLATION of a Petition from the Canadians to Lord Dorchester; dated Montreal, 13th October 1788.

To his Excellency the Right Honourable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, and their Dependancies, Vice Admiral of the same, General and Commander in Chief of all His Majesty's Forces in the said Colonies, and in the Island of Newfoundland, &c. &c. &c.

May it please your Excellency,

THE Canadians under the Government of your Lordship have with inexpressible Concern observed in the public Papers of London that one of the old Subjects, in an Address to the House of Commons of Great Britain, had styled himself Deputy from the old and new Subjects of His Majesty in the Province of Quebec: This Address, my Lord, the Object of which is the Formation of a House of Assembly, and the Abolition of the Laws and Customs of this Province, far from being supported by the Canadian Subjects, is equally contrary to their Interests and to their Wishes. Some of our Countrymen may, indeed, have joined the old Subjects, but your Excellency knows the Importance of that Union; you know also that many Persons of Property of English Extraction do not wish to establish a House of Assembly in this Province, nor to abolish its ancient Laws; that the old Subjects had taken this Step to attain their Object; that they had endeavoured, in their Address to the Lower House of Parliament, to set aside the Canadians, in keeping them at a Distance from the Throne, where they were apprehensive they might meet with Support: Without speaking in their Name, and without wishing to persuade that August Assembly that the Canadians in general would desire the Change proposed by them, and that it would be cruel to deny them so great a Blessing, the Canadians without Doubt would be little alarmed at such Proceeding, well knowing that every One has a Right to represent for himself. But, my Lord, compelled to break Silence, they cannot help observing that the Deputy has improperly and rashly made Use of their Name. Who, better than your Excellency can attest the Sincerity of the Opposition which they think themselves bound to make to this new and too often repeated Attempt? You know, my Lord, our Loyalty, our real Interests, and our Property; you know that, far from desiring the proposed Change, we have constantly opposed it. These very Persons would wish that your Excellency should transmit to His Majesty a Report which might distinctly characterise them both to Him and to His August Parliament, and give a just Idea of Comparison of the Importance of the Property of each.

us then, my Lord, here to claim that Protection with which you have so often favoured us, and to which we acknowledge ourselves indebted for the Kindnesses of our August Sovereign, the most signal of which is the having restored you to our Wishes.

We take the Liberty to transmit to your Excellency our most humble Address to His Most Gracious Majesty, and we entreat you to forward it to the Foot of the Throne, supported by your powerful Recommendation; we will join to it that of the Year 1784, and we hope your Lordship will have the Goodness to include those which the Citizens of Quebec and Montreal did themselves the Honour to present to your Excellency in the Months of January and February 1787.

This, my Lord, will add to the Gratitude we shall ever feel for all those Benefits for which this Nation is indebted to your Lordship; and we shall redouble our Prayers for your Preservation, and that of your illustrious Family.

Montreal,
13th October, 1788.

N^o 23.

COPY of the Memorial and Petition of Merchants and others,
of the Cities of Quebec and Montreal, 1st and 5th De-
cember 1788.

To his Excellency the Right Honorable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, and their Dependencies, Vice Admiral of the same, General and Commander in Chief of all His Majesty's Forces in the said Colonies, and the Island of Newfoundland, &c. &c. &c.

The Memorial and Petition of the Subscribers, Merchants, and others of the Cities of Quebec and Montreal, on Behalf of themselves and their Constituents.

Humbly sheweth,

THAT at a public Meeting of the Citizens of Quebec and Montreal respectively, held in the Fall of the Year 1784, a Committee from their Numbers was chosen for the Purpose of framing and conducting Petitions to His Majesty and to both Houses of Parliament, which Petitions were

were dated in November of that Year, and signed by upwards of Two thousand Three hundred old and new Subjects: That several Vacancies in the Committee then chosen having occasionally happened by Death and otherwise, new Members were necessarily appointed: That the Members of the said Committee, so chosen and continued, have the Honour to address your Lordship on Behalf of themselves and their Constituents, the Subscribers to the aforesaid Petition of 1784: And to shew,

That by your Lordship's Condescension the Inhabitants of this Province have been favoured with a Publication in the Quebec Gazette, of the Petitions to His Majesty and to your Lordship, lately presented in the Name of the Canadians, bearing Date the Thirteenth Day of October last past, and signed by a considerable Body of Landholders and others, His Majesty's new Subjects, to the Number of Seven hundred and Forty-four, in Opposition to the Objects of Reform proposed in the Petition of 1784, already mentioned, and to the Steps which have been taken in conducting it.

That your Memorialists, in attending to the Interests of their Constituents and their own, have thought it their indispensable Duty to take into Consideration the various Matters and Assertions contained in the aforesaid Petition of the 13th of October; and humbly to state to your Lordship, in Reply thereto, That His Majesty's old and new Subjects, by their Petition of 1784, praying for a House of Assembly, and the Introduction of the Laws of England regarding Commerce, had not the most distant Wish or Intention to procure the Abolition of the ancient Laws and Customs of Canada, as is asserted by their Opponents; on the contrary, a Continuation of the said Laws and Customs is expressly and particularly prayed for in the said Petition of 1784, Article 4th, as will more fully appear to your Lordship by a printed Copy thereof hereunto annexed: That contrary to the Conduct and Assertions of their Opponents, the Petitioners of 1784 proceeded candidly, publicly, and impartially, in framing their Petition, which was printed in the French Language, and dispersed into all Parts of the Country, accompanied with explanatory Observations and Arguments which yet remain unanswered.

That His Majesty's Canadian Subjects who joined in the said Petition of 1784, to the Number of One thousand Five hundred and Eighteen, and whose Sentiments and Wishes are still the same, are more than double in Number, and not less respectable, than the Petitioners of the 13th of October last, whether they are considered in Point of Loyalty, Wealth, Character, or Knowledge of the true Interests of this Province.

That the Agent of the said Petitioners of 1784, in carrying forward their Petition to the Notice and Discussion of Parliament, was not guilty either of Temerity or Injustice, in presenting himself in the Name of and as Agent for those Petitioners, being unanimously chosen and impowered for that Purpose by the English and Canadian Committees, representing the whole Body of Petitioners, whether old or new Subjects.

Your Memorialists beg Leave to observe to your Excellency, that many of the Petitioners of the 13th of October last did, in a Petition to the

Throne in the Year 1783, complain of the actual Legislature in a more pointed Manner than is set forth in our Petition of 1784; yet they do not now ask for any Reform in the present System of Government, but prefer a Distinction amongst His Majesty's Subjects, notwithstanding that in the aforesaid Petition of 1783 they pray, "That, whatever Form of Government it shall please His Majesty to establish in this Province, they may be admitted freely and without Distinction to participate in the precious Rights and Privileges which His Majesty's Subjects enjoy in whatever Part of the Empire they are situated." Your Lordship being fully sensible that British Subjects consider as One of their most valuable Privileges the Right of being represented in the Legislature, Your Petitioners humbly conceive, that to them it more properly belongs to remark, that to refuse them this distinguishing Privilege implies a Doubt of that Loyalty and Attachment which they have never ceased to demonstrate.

Your Memorialists yield with Reluctance to a necessary Part of their Duty, in remarking to your Lordship, with all due Respect, that in the List of their Opponents appear the Names of Judges, Counsellors, and others, in the Enjoyment of Pensions and Places of Profit, under the present System of Government, to the Amount of *Two thousand Seven hundred and Forty-five Pounds*, upon which Circumstance they forbear making any Comment. That in the said List, particularly among the Seigneurs, the Names of some appear who are not Seigneurs, and of others, who having assumed Titles to which they are found to have no Pretensions, we submit to your Lordship what Weight Persons of those Descriptions ought justly to have in the present Case.

That the Petitioners of the 13th of October last having represented themselves to His Majesty, and to your Lordship, as the great Proprietors and principal Landholders in this Province, Your Memorialists think it incumbent on them to state to your Lordship, from the best Information they can procure, an Account of all the Seigneurs in Canada (those of His Majesty and the Religious Communities excepted) with an Estimate of their Annual Value, which is hereunto annexed, and humbly submitted to your Lordship's superior Knowledge and Information.

By the aforesaid Estimate your Lordship will observe, that the Annual Revenue of the Seigneurs in the Possession of His Majesty's ancient Subjects exceeds the Sum of Ten thousand Pounds: That the Seigneuries possessed by His Majesty's new Subjects who have not joined in the Petition of the 13th of October last are computed at the Yearly Income of *Eight thousand Eight hundred and Ninety-five Pounds*, whilst the Seigneuries belonging to the Subscribers to that Address do not amount in Annual Revenue to Six thousand Pounds. From this comparative Statement, which Your Memorialists have Reason to consider as free from Error as the Nature of the Enquiry will admit of, Your Excellency may judge how far the Petitioners of the 13th of October last are entitled to that Pre-eminence which they claim; and if the Real and Personal Estates of all the other Petitioners of 1784 could be thus contrasted with those of their Opponents, the great Superiority of the former would be still more evident and striking, especially as
the

the Commercial Property in this Province, whether belonging to the Merchants of Great Britain or Canada, is almost wholly represented by the Petitioners of 1784, an Estimate of which was submitted to the Honourable Legislative Council in their Session of 1787, amounting to the Sum of One Million Two hundred and Forty-six thousand and Twenty-three Pounds Six Shillings and Eight Pence. Your Memorialists beg Leave further to add, that the extensive and valuable Possessions of the numerous Loyalists and others lately settled in this Province, and which are daily increasing, are not reckoned or comprehended in any of the foregoing Estimates.

That the Opposition made by the Petition of the 13th of October last to that of November 1784, being thus founded on mistaken Principles, and on supposed Facts which do not exist, must necessarily lose that Weight which it might otherwise have had by the Sanction of some respectable Names.

Your Petitioners, therefore, unite with their Opponents in praying that your Lordship will be pleased to report and characterize both Parties in such a Manner as will shew to our Most Gracious Sovereign, and to the British Parliament, the true Importance, Possessions, and Interests of the One and of the other.

And your Petitioners as in Duty bound, will ever pray, &c.

Montreal, the 1st of December 1788.

JAMES M'GILL.
 JOHN M'KINDLAY.
 RICHARD DOBIE.
 SIMON M'TAVISH.
 JAMES WALKER.
 ALEX^R AULDJO.
 NICHOLAS BAYARD.
 JAMES FINLAY.
 THOMAS M'CORD.

Quebec, the 5th of Dec^r 1788.

JAMES JOHNSTON.
 GEORGE ALLSOPP.
 ROBERT LESTER.
 MATHEW LYMBURNER.
 JN^O PAINTER.
 JOHN YOUNG.
 J. BLACKWOOD.
 L. DUNIERE.
 W^M GOODALL.

LIST of old Subjects, Seigneuries, Proprietors of Fiefs and Seigneuries in the Province of Quebec.

Names.	What Seigneuries they hold.	Characters in Society.
George Allopp	Seign ^r Jacques Cartier, and Dauleuil and Mills,	Merchant.
Malcolm Frazer	Riviere du Loup, Ilet du Portage,	Major of Militia, Justice of the Peace, and Capt ⁿ 84 Regim ^t .
Alex ^r Frazer	La Martiniere Vitruy and St. Gilles,	J. P. and late Capt ⁿ 84 Reg ^t .
John Nairne	Malbaye — —	J. P. late Lieu ^t Col.
5. Donald M ^c Kinnon	Matanne — —	J. P. Lieut ^t 84 Reg ^t .
Peter Stuart	St. Joseph and Mille Vachy, Mingan, and Anticofti, en Partie	Justice of the Peace.
Lauchlin Smith	St. Anne La Porcatierre	J. P.
David Lynd	Saffé Ville, in Quebec	Coroner, Clerk of the Peace, and Clerk of the Court of Common Pleas.
John Collins	Aubin de l'Isle	Counsellor and J. P. and Deputy Surveyor General.
10. John Shoolbred	Shoolbred, in Chaleur Bay,	Merchant in London.
John Antrobus	Antrobus, in Quebec	Merchant.
Adam Lymburner	Conseign ^r of Isles de Mingan	Merchant.
Sir Fred ^k Haldimand,	Seign ^r Pabo in Chaleur Bay	Lieuten ^t General.
Henry Caldwell	Cote de Lauzon, or Point Levy, Foucault, Part of Island of Orleans and Mills,	Colonel of Militia and Counsellor.
15. W ^m Grant	St. Roc, Aubert, and Beau Lac, et de Mingan, Anticofti et Mille Vacher en Partie,	Counsellor.
Thomas Dunn	Missiskoui, Mingan Anticofti, et Mill Vaches, en Partie,	Counsellor and Judge of the Court of Common Pleas.
Dav ^d Alex ^r Grant	Baron Longueuil, Seigneur of Belceil and Mills,	J. P. late Captain of 84 Reg ^t .
James Cuthbert	Seign ^r of Bertheir Dautruis Lahoray, New Yorck, or du Sable Maskinonge, &c.	Late Capt ⁿ 15 th Reg ^t .
Jacob Jordan	Terrebonne, la Chenaye, and Mills,	J. P. Lieutenant Col. Militia.

Names.	What Seigneuries they hold.	Characters in Society.
20. Gab ^l Chriftie	— Seign ^r Repentigny, De Lery, Labrevoy de Cleaury Hoyan, La Chaille, Pointe au Fer, and Mill at Chambly,	Major General.
Conrad Gugy	— of Grand Pré, Gros Bois, and Dumontier,	Deceased.
John Jenifon	— of St. François le Neuf, or St. Charles,	Deceased.
John Jones	— La Riviere Scibouft on Yamaska,	Merchant.
Thomas Barrow	— St. Charles, Bonsecourt, Bourgmarie, and in Part Bourchemin,	Half Pay Captain.
25. Amos Hayton	— Isle aux Herrons	Merchant, London.
Bruyerre	— Becancour	Lieutenant of Engineers.
Ja ^s Curchod	— Mount Louis	Merchant.
Simon Frafer, Sen ^r	— Rivière la Magdelaine	Merchant.
Sam ^l Holland	— Fief St. Jean Banlieu de Quebec,	Surveyor General.
30. Math ^w M ^c Nider	— Confeign ^r and Banal Seigneur Belair aux Ecureuils, Seign ^r Iflet a la Peafe	Merchant.
Ceffionaries de Alexis Reaume	—	—
Nath ^l Lloyd	— Seign ^r Petite Baye des Esquimanax, Labroder Coast,	Trader.
Brice M ^c Cumming	— La Grand Valle	Paymaster and Quarter Master of 3 ^d Regiment.
Davifon and Lees	— Banal Seigneurs Machiche Banal	Merchants.
35. George Davifon	— Seign ^r Riviere du Loup	Counsellor and Justice of the Peace.
36. Thomas Dennis	— Seign ^r Ile Perrot	Commiffary.

Value of Seigneuries in Annual Rents and Revenues in the foregoing List	£. 10,345 Currency.
Amount of Salaries and Pensions from the Crown to Persons in Canada, in said List	2,316 Sterling.
Total Value of Seigneuriel Rents, Revenues, Pensions, and Salaries, including other Real Estates	16,070 Currency.

Quebec, 5th December, 1788.

JAMES JOHNSTON.
 GEO. ALLSOPP.
 ROBERT LESTER.
 MATHEW LYMBURNER.
 JN^o PAINTER.
 JOHN YOUNG.
 J. BLACKWOOD.
 L. DUNIERE.
 W^m GOODALL.

L^s LANGLOIS, Fils.
 L. DESCHENAU, Fils.
 CH. PINGUET.
 A. PANET.
 L^s TURGEON.
 T. BALLAIRGE.
 PERRAULT L'AINÉ.
 A. CURREAUX.
 DUBAU.

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LIST

LIST and STATE of Seigneuries in the Hands of New Subjects, not *Seigneurs*, to the Petition to His Majesty, of October 1788.

	Names.	What Seigneuries they hold.	Characters in Society.
	Jucherau Duchesnay	Seig ^r of Beauport S ^t Roc du Sud, S ^t Denis Faußembault, Feif D'Umefnil Godarville, and Mills,	Justice of Peace, and Half-pay Captain in Canadian Reg ^t .
	Joseph Brassard, Deenheneaux	S ^t Mich ^l la Livandiere, Cofeg ^r S ^t Etienne de Beaumont, Seig ^r Neuville ou Point aux Trembles, and Consign ^r de Belair, &c.	Justice of Peace.
	Antoine Panet	— Bourg Louis & Moneceaux	Advocate.
	Mad ^{me} Dalbergau	— Bic, &c. —	Gentlewoman.
5.	P. F. Chofel Dorvillier	Dorvillier —	Esquire.
	Fleury Dechambault	Consign ^r Deschambault and Fleury,	Justice of Peace, Half-pay Capt ⁿ in Canadian Regiment.
	Gaspard de Lanaudiere	Seig ^r S ^t Valier, and S ^t Pierre les Becquefts,	Esq ^r , Cadet in the Army.
	Ant ^e de Lanaudiere	— Cos ^r Ditto Ditto, —	Esquire.
	Francis Baby	— Ditto Ditto, —	Counsellor, Lieutenant Colonel Militia, Adjutant Gen ^l of Militia, and J. P.
10.	Joubin Boisvert	— Seg ^r S ^t Marie sur la Riviere S ^t Anne,	Seigneur.
	Joseph Chavigny	— Cos ^r de la Cherriotiere —	Esquire.
	Bigot Dorval	— — Isle Becancour —	Seigneur.
	Alexis Tourigny	— — Ditto —	Seigneur.
	Nicolas G. Boifféau	— — Riviere du Sud —	Justice of Peace.
15.	Joseph Roy	— Seig ^r of Vincennes —	Seigneur.
	J. T. Tremblay	— — des Eboulemens —	Ditto.
	Pascal Tache	— — Kamouraskas —	Ditto.
	Louis Turgeon	— Cos ^r of Beaumont —	Merchant.
	Cha ^s Riverin	— Cos ^r Capt. of Ignau, ou Vincellotto.	
20.	Michael Blais	— — Riviere du Sud —	Seigneur.
	Michael Perrault	— Seig ^r Riviere Onelle —	Merchant.
	Amable Durocher	— Half of Isle d'Orleans, and Isle Madame,	Seigneur, deceased.
	Cha ^s Doyon	— Cos ^r of Aubin de l'Isle Nouvelle Banie,	Seigneur.
	Aug ^e Hamelin	— — Grondinnes —	Ditto.
25.	Louis Marchand	— — Ditto —	Ditto.
	Joseph Gouin	— — Ditto —	Ditto.
	Lewis Trottier	— — Ditto —	Ditto.
	Fran ^s Boisvert	— — Ditto —	Ditto.

	Names.	What Seigneuries they hold.	Characters in Society.
30.	René Hamelin —	Cos ^r Grondinnes —	Seigneur.
	Eustache Grondines —	— Ditto —	Ditto.
	Joseph Richard —	— Ditto —	Ditto.
	Michel Joyeux Hamel	Seig ^r St. François, near Quebec,	Ditto.
	Cha ^s Tarieu De Lanau- diere	— St Anne and Maskinonge,	Counsellor, Superintendent- General of Roads.
35.	Paul Roc S ^t Ours —	— St. Ours L'Echailon —	Counsellor.
	Gaspard Maffue —	Cos ^r Varennes —	Merchant.
	Dom ^k Debartzch —	Seig ^r La Luffaudiere —	Merchant.
	Pierre Foutier —	— Isle Bifard —	J. P. Merchant.
	Fran ^s Enau —	— Isle du Pas —	Seigneur.
40.	Claude Poulin —	— Nicollet —	Ditto.
	Michel Creffe —	— Courval —	Esquire.
	Amable Martigny —	— La Trinité —	Ditto.
	Jean Druot de Richar- ville	— Godefroy, Roctallade, et du toit Linctot,	Ditto, Half-pay Lieutenant Canadian Regiment.
	René Guay, et autres —	— Baye S ^t Antoine, ou du Febvie	Seigneur.
45.	Joseph Ainfé —	Isle S ^t Thirife —	Ditto, Indian Interpreter.
	Jeanton Dauphiney —	— Antaya ou Comporté —	Ditto.
	La Marque —	— Mille Isles —	Esquire.
	Fra ^s Le Maire S ^t Ger- main	— Isle Bouchard —	Priest.
	Pascal Dubue —	— Isle du Fort —	Seigneur.
50.	Pierre Chicouane —	— Bellevue —	Ditto.
	P ^{re} André Duchesny —	— Camfèll & Maskinge —	Ditto.
	Eustache L. Lambert Dumont	— Riviere Duchesne —	Esquire.
	Widow Duffault —	Cos ^r Varenne —	Seigneuresse.
	Francis Fortin —	Seig ^r du Fief Boucher, au- dessus des Trois Rivieres	
55.	Cha ^s Le Sieur —	Cos ^r Machiche —	Ditto.
	Pierre Le Sieur —	— Ditto —	Ditto.
	J. B ^{re} Le Sieur —	— Ditto —	Ditto.
	Antoine Le Seur —	— Ditto —	Ditto.
	Pierre Coutant —	— Ditto —	Ditto.
	Jof. Godefroy-de Nor- manville	Seigneur of Vieux Pont	Esquire.
60.	J. B ^{re} Pezard —	Cos ^r Champlain —	Seigneur.
	Leon Pezard —	— Ditto —	Ditto.
	J. B ^{re} Noel —	Seig ^r Tilly and Bonsecours, and Duquet	Ditto.
	Lefebvre Bellefeuille	— Cournoyer —	Esq ^r , Voyer.
	De Lonne —	— St. Hyacinthe Yamaska	Seigneur, Minor.

	Names.	What Seignuries they hold.	Characters in Society.
65.	Dom ^{que} Debartzch	Cos ^r St. Hyacinthe Yamaska.	Merchant.
	Jean Vienne	Cofeig ^r Fief Martel	Merchant.
	— Duffault	Seig ^r Belair des Ecureuils	Seigneur.
	Heritiers Du Calvet	— Riviere David Yamaska	Esquire.
	Sauvages Troquois	— Sant St. Louis	Seigneurs.
70.	Les Sieurs Rioux	— Trois Pistolles	Ditto.
	J. B ^{te} Coté	— Isle Verte	Seigneur.
	Le Page St. Germain, &c.	— Rimouske, ou St. Barnabé, Riv ^{te} Mitis et Lac Mitis,	Ditto.
	Le Maistre Duaine	— Fief de Mortie et Banal, Seg ^r Prinevitto Riv ^r St. François,	Ditto.
	Belanger, et autres	— Francis de l'Islet ou Bonsecours,	Ditto.
	Simard, et Autres	— de la Riviere au Gouffres	Ditto.

Value of Seignuries in Annual Rents and Revenues in the foregoing List	— — — —	£. 9,060 Currency.
Amount of Salaries and Pensions from the Crown to Persons residing in Canada in said List	— — — —	1,351 Sterling.
Total Value of Seignorial Rents, Revenues, Pensions, and Salaries, including other Real Estates	— — — —	13,420 Currency.

Quebec, 5th December, 1788.

JAMES JOHNSTON.
GEO. ALLSOPP.
ROBERT LESTER.
MATHEW LYMBURNER.
JN^o PAINTER.
JOHN YOUNG.
J. BLACKWOOD.
L. DUNIERE.
W^m GOODALL.

L^s LANGLOIS, Fils.
L. DESCHENAU, Fils.
CH. PINGUET.
A. PANET.
L^s TURGEON.
J. BAILLAIRGE.
PERRAULT L'AINE'.
A. CUREAUX.
DUBAU.

LIST of Seigneurs subscribing a Petition to His Majesty, 13th October 1788, in Opposition to a Petition to the King and Parliament, in 1783, and another in 1784, to obtain a House of Assembly.

Names.	Seigneurs of what Lands and Estates.	Characters in Society.
Joseph De Longueueil,	Segn' Nouvil Longueuil, and	Counsellor.
Neveu Seveftrie	Point a Regault, Formerly Cofeg', now holding a Life Rent of Four hundred <i>Livres Tainois</i> , in D'autray and La Noray,	Colonel of Militia, and Comm' of the Peace.
J. B. M. Flertel de Rouville Debonne	Seigneur of La Pointe Olivier, — of Sault St. Marie and Choisy, but having no In- come as such,	Commiff' of the Peace, and Half Pay Captain. C. P. and Half Pay Lieu'.
Kertel de Rouville	— of Rouville	Judge of the Court of Com- mon Pleas.
De Boucherville	— of Boucherville	Counsellor, Half Pay Captain, and Grand Voyer.
P. P. Marganne de la Valtrié	— of La Valtrié and St. Paul,	Commissioner of the Peace.
Chartier de Lotbiniere.	— of Lotbiniere, Vaudreuil, and Rigault,	Ditto.
Thomas Coffin	— of Pointe du Lac, Gati- neau, &c. en Partie de Rac- taillade & Mill,	Merchant.
Sanguinet	— of La Salle	Commissioner of the Peace and Advocate.
Quinson de St. Ours	Cofeign' of St. Ours, L' Af- fomption, and L'Echaillon,	Commissioner of the Peace.
Chevalier de St. Ours	D° D° D°	Aid de Camp, and Captain on Half Pay.
Christophe Sanguinet	Seigneur of Varrennes, and Cofeign' of Beloeil,	Commissioner of the Peace.
La Perriere	Seign' of Contre Caur and St. Antoine.	
La Brocquerie	Cofeg' of Boucherville, Var- rennes, and Tremblay.	
René de la Bruyere	Seigneur of Montarville.	
La Bruyere de Mon- tarville	— of St. Denis, Cofeg' of Contre Cœur and Boucher- ville.	Commissioner of the Peace.
Charles Grosbois	Cofeg' of Boucherville.	
Francis La Bruyere	— of Ditto	Half Pay Lieutenant and Pon- fioner, wounded.
J. Chaumont	— of Ditto	Trader.

Names.	Seigneurs of what Lands and Estates	Characters in Society.
Clem. Sabrivoye de Bleury — —	Seigneur, having no Income as Seigneur.	
Pierre de Noyer Fleuremont — —	Seigneur in Boucherville, having no Income, as such,	Half Pay Ensign.
Bellaire — —	Cofeign' of Maskinonge — —	Postman.
Dupere — —	Cofeign' of Champlain — —	Tavern Keeper.
Niverville — —	Seign' of Chambly.	
L' Anger Moger — —	Cofeign' of St. Michel, but having no Income as such.	
J. M. Tonnancour — —	Seign' of Yamaska and Goderooy,	Colonel of Militia at Three Rivers, Comm' of the Peace, and Half Pay Lieutenant.
J. Cuvier de St. Francois	— of St. Francois.	
J. G. Chauffe gros De Lery	— of Vaudreuil, St. Barbe, Gentilly, Le Gardeur, Belle Plaines, De Beauvais, and Perthuys,	Chevalier de l'Ordre de St. Louis, and Counsellor.
De Beaujeau — —	— of Isles aux Grues et aux Oyes — —	Chevalier de l'Ordre de St. Louis.
G. E. Tacheraux — —	— of St. Marie Liniere, Toliet, and St. Joseph,	Commissioner of the Peace,
De la Goryendiere — —	— of Fleury & D'Chambault.	
Coutereau — —	— in Part of Howelle Beauce of Port Joli,	Commiff' of the Peace, and Ensign on Half Pay.
Le Compte Dupre — —	— of Argenteuay en L'Isle de Orleans, et autres Lieux,	Counsellor and Colonel of Militia.
P. L. Panet — —	— of Argenteuil — —	Clerk of the Court of Common Pleas.
Xavier La Maudiere — —	— in Part of St. Pierre les Becquets, & St. Valier,	Midshipman.
J. F. Cugnet — —	— of St. Etienne — —	French Secretary, and Clerk of the Terrars.
L. De Salabery — —	— in Part of Beauport and Du Fief Dumenil — —	Commiff' of Peace, and Half Pay Officer.
La Chevrotier — —	— of Chevrotiere — —	Half Pay Lieutenant.
J. B. Couillard — —	— of Riviere du Sud, Seign' de L'Epinau, and 1st Pierre.	Commissioner of the Peace.
Vincelot — —	— of Cas St. Ignace.	
Charles Couillard — —	— of Beaumont.	
J. Coture — —	Cofeign' of Riviere du Sud.	
Hebert Couillard — —	— in the River du Sud.	
J. B. Dupuis — —	— Ditto — —	Postman.
J. Nicolle — —	— Ditto — —	Lieutenant of Militia,

Names.	Seigneurs of what Lands and Estates.	Characters in Society.
Cha' Dagniaux Demuy John Campbell	Conseg' in Boucherville. — — —	Lieut' Col' and Commissary of Indians.
Chev' de Niverville	Conseg' of Chambly	Of the Order of St. Louis, Commissioner of the Peace, and Half Pay Lieutenant.
Paul La-Croix	Seign' of Villérary. No In- come as such,	Trader.

Value of Seigneuries in Annual Rents and Revenues, in the fore-
going List — — — — £. 5,998 Currency.
Amount of Salaries and Pensions from the Crown to Persons resi-
ding in Canada, in the said List — — — — 2,745 Sterling.
Total Value of Seigniorial Rents, Revenues, Pensions, and Sa-
laries, including other Real Estates — — — — 10,836 Currency.

Quebec, 5th December 1788.

JAMES JOHNSTON.
GEO. ALLSOPP.
ROBERT LESTER.
MATHEW LYMBURNER.
JNO PAINTER.
J. YOUNG.
J. BLACKWOOD.
L. DUNIERE.
WM GOODALL.

A. PANET.
CH. PINQUET.
L^S LANGLOIS, Fils.
L. DESCHENAUX, Fils.
L^S TURGEON.
J. BAILLARGE.
PERRAULT L'AINÉ.
A. CUREAUX.
DUBAU.

N° 24.

MEMOIRE et Requete des Citoyens et Marchands de
Montreal, 4th December 1788.

A Son Excellence Le Très Honorable Guy Lord Dorchester,
Capitaine General et Gouverneur en Chef des Colonies de
Quebec, Nouvelle Ecosse, et Nouveau Brunswick, et de
leurs Dependances, Vice Amiral d'icelles, Général et
Commandant en Chef de toutes les Troupes de Sa Ma-
jesté dans les dites Colonies, et dans l'Isle de Terre-neuve,
&c. &c. &c.

Mémoire et Requête des Souffignées, Citoyens, et Marchands de Mont-
real, tant en leurs Noms, qu'aux Noms de leurs Constituans.

Representent Humblement,

QUE dans l'Automne de l'Année Mil Sept Cent Quatre Vingt-quatre il fut fait une Assemblée Publique de Citoyens tant à Quebec qu' à Montreal; que ces Assemblées volèrent respectivement une Petition à Sa Majesté, et aux Deux Chambres du Parlement, et choisirent des Comités pour la rédiger et la conduire ouvertement: Que cette Petition fut signée en Novembre Mil Sept Cent Quatre Vingt-quatre, par Deux Mille Trois Cens Soixante-treize Souffcripteurs, tants anciens que nouveaux Sujets de Sa Majesté! Les Membres de ces Comités ont l'Honneur de s'adresser à votre Seigneurie, tant pour eux que pour leurs Constituans, aux fins de lui témoigner leur Reconnoissance de ce que par sa Grace ils ont eu Communication, dans la Gazette de Quebec, des Adresses à Sa Majesté et à votre Seigneurie, faites à Montreal, au Nom des Canadiens, en Date du Trieze Octobre dernier.

Ces Adresses, signées d'un Corps de Propriétaires de Biens Fonds, et autres nouveaux Sujets, au Nombre de Sept Cent Quarante-quatre, sont en Opposition tant aux Objets de Reforme humblement indiqués dans la Petition de Novembre Mil Sept Cent Quatre Vingt-quatre; qu'aux Mesures legales et Premises adoptées pour la soutenir.

Vos Supplians, toujours attentifs aux Interêts de leurs Constituans et aux leurs, ont pensé qu'il doit de leur Devoir, et qu'ils ne pouvoient même absolument se dispenser de prendre en Consideration les Assertions des dites Adresses et d'y repondre par des Observations qu'ils fountent humblement à votre Seigneurie.

Les Anciens et Nouveaux Sujets de Sa Majesté, qui ont souscrit la Petition de Novembre Mil Sept Cent Quatre Vingt-quatre, en demandant pour cette Province une Chambre d'Assemblée, et l'Introduction des Loix d'Angleterre pour le Commerce seulement, loin d'avoir la moindre Intention d'abolir ou de detruire les anciennes Loix, Coûtumes, et Usages du Canada, ont au contraire expressement et pleinement demandé, par le Quatrieme Article de la dite Pétition, la Conservation des dites Loix, Coutumes, et Usages, ainsi qu'il apparoitra à votre Seigneurie par la Copie imprimée de cette Petition,

Petition, c'y annexée. Contradictoirement à la Conduite et aux Avances de leurs Opposants, les Supplians de Novembre Mil Sept Cent Quatre Vingt-quatre ont procédé avec Candeur, Impartialité, et Publicité, ayant fait imprimer leur Petition en François, et l'ayant fait repandre dans les différentes Parties de cette Province, avec des Observations, qui sont restées sans Réponse.

2°. Les Sujets Canadiens de Sa Majesté, qui ont voté et signé la Petition de Novembre Mil Sept Cent Quatre Vingt-quatre, au Nombre de Quinze Cent Dix-huit, perseverent dans les mêmes Sentiments, et sont aussi respectables que les Souscripteurs du Treize Octobre dernier, soit qu'on les considere par leur Nombre, leur Loyauté, leur Fortune, et leur Caractère, soit enfin par leur Connoissance des vrais Interets de cette Province.

3°. L' Agent des Supplians des Novembre Mil Sept Cent Quatre Vingt-quatre, en introduisant et soumettant leur Petition à l'Examen et aux Debats du Parlement, n'a été coupable ni d'Injustice ni de Témérité, en se présentant, au Nom et comme Agent des dits Supplians, puisqu'il a été unanimement choisie et autorisé à cet Effet, par les Comités representants le Corps nombreux des anciennes et nouveaux Sujets, qui ont souscrit la dite Petition.

4°. Vos Supplians cèdent avec Repugnance à la Nécessité indispensable de faire remarquer à votre Seigneurie, avec tout le Respect qu'ils lui doivent, que dans la Liste de leurs Opposants ils apperçoivent les Noms des Juges, Conseillers, et autres, qui jouissent d'une Partie des Pensions, Salaires, et Places lucratives du Gouvernement; ils ne se permettront pas les Reflexions que leur Opposition fait naître. Cette Liste est grossie des Noms de divers Propriétaires de Parcelles de Seigneuries, qui n'ont aucune Importance quelconque d'un certain Nombre de ceux qui se sont qualifiés Seigneurs sans l'être, et enfin d'autres qui ont pris des Titres de Seigneuries ou qui n'existent point, ou aux quelles ils n'ont aucun Droit.

5°. Les Supplians du Treize Octobre dernier ayant prétendu se représenter à Sa Majesté, et à votre Seigneurie, comme les grands Propriétaires et les principaux Seigneurs de cette Province—Vos Supplians croient encore qu'ils ne peuvent se dispenser de représenter à votre Excellence, que d'après les meilleures Informations qu'ils aient pu se procurer, les anciens Sujets possèdent en Seigneuries dans cette Province pour plus de Dix Mille Livres Courant de Revenus Annuels; que les Revenus Annuels des Seigneuries possédées par les nouveaux Sujets, qui n'ont pas souscrits les Adresses du Treize Octobre dernier, sont évaluées à la Somme de Huit Mille Huit Cent Quatre Vingt Quinze Livres et plus, sans y comprendre le Produit des Seigneuries de Sa Majesté et des Commanautés en cette Province: Au lieu que les Revenus Annuels de Seigneuries possédés par les Souscripteurs du Treize Octobre dernier scauroient produire, dans le plus haute Estimation Six mille Livres Courant.

Ce simple Exposé fera voir à votre Excellence en quelle Proportion ces Souscripteurs tiennent les Seigneuries de cette Province, et jusqu'à quel Point ils ont Droit à la Preponderance qu'ils réclament; que si les Propriétés réelles et personnelles des Supplians de Novembre Mille Sept Cent Quatre Vingt-quatre étoient mises en Comparaison avec celles de leurs Op-

posants, la Superiorité des Premiers seroit evidement frappante, et d'autant plus frappante que les Propriétés du Commerce, montant à un Million Deux cent Quarante six Mille Vingt-trois Livres Six Shellings Huit Denier Sterling selon l'Estimation fournie a la Consideration de l'Honorable Conseil Legislatif en sa Session de Mil Sept Cent Quatre Vingt-sept (soit qu'elles appartiennent aux Marchands de la Grande Bretagne ou du Canada) sont presque toute représentées par les Souscripteurs de Novembre Mil Sept Cent Quatre Vingt-quatre.

Dans tout ce que dessus, nous ne parlons pas des Propriétés réelles et personnelles des anciens Sujets Loyalistes, nouvellement établis dans les Parties supérieures de cette Province.

6°. Qu'il nous soit permis de représenter à votre Excellence, que les Promoteurs des Adressés du Trieze Octobre dernier furent les premiers à se plaindre de la Legislation actuelle de l'Annee Mil Sept Cent Quatre Vingt-trois, néanmoins ils ne demandent actuellement aucune Reforme; ils se bornent à une Predilection de Sujets qu'ils reprovoient alors en demandant formellement " d'être admis sans aucune Distinction sous " quelque Forme de Gouvernement qu'il plaira à Sa Majesté d'établir en cette " Province; à la précieuse Participation des *Graces, des Droits, des PRIVI-* " *LEGES,* et des Prerogatives, dont jouissent dans toutes les autres Parties du " Globe tous les fideles Sujets de Sa Majesté."

Votre Seigneurie est pleinement convaincue, qu'un des plus précieux Privileges des Sujets Britanniques est de participer, par une Représentation libre, à la Sanction des Loix aux quelles ils doivent être soumis.

Puis donc que les Adressés du Trieze Octobre dernier ne tendent qu'à priver tout un Peuple de Sujets Britanniques de la Part légitime qu'ils doivent avoir par leur Représentants a la Conservation certaine de leurs Loix, Coutumes, Usages, Immunités, et Privileges, ainsi qu'aux Améliorations et Modifications que la Vicissitude des Circonstances peut requérir, et dont les meilleures Loix sont susceptibles; qu'elles ne sont d'ailleurs fondées que sur des Principes errones, des Faits supposés, des Pretentions fantastiques, elles doivent nécessairement perdre le Poid qu'elles sembleroient mériter par la Sanction des quelques Noms respectables confondus avec les Noms imposants qui y sont soucrites.

Vos Suppliants s'unissent donc avec leurs Opposants (et c'est l'Objet de cette Requête) pour prier votre Excellence qu'il lui plaise faire un Rapport qui puisse caractériser les Deux Parties, et faire connoître la juste Importance, les Possessions, et les Interets de l'un et de l'autre.

Et vos Suppliants, autant par Attachement que par Devoir, ne cesseront de prier pour la Conservation et Prosperité de votre Personne et de votre Famille.

Montreal, le 4th Decembre, 1788.

PR GUY.

PH. DEROCHEBLAU.

DUMARTZ.

G. ABENTON.

PNE FORETIER.

JN. DE LISLY.

TH. PAPINEAUX.

MCE HENDEAU.

J. HERRAULT.

N° 25.

TRANSLATION of the Memorial and Petition of the Citizens and Merchants of Montreal, dated 4th December, 1788.

To his Excellency the Right honourable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, with their Dependencies, Vice Admiral of the same, General and Commander in Chief of all His Majesty's Troops in the said Colonies, and in the Island of Newfoundland.

The Memorial and Petition of the under-written Citizens and Merchants of Montreal, in their own Names, and in the Names of their Constituents.

Humbly represent,

THAT in the Autumn of the Year 1784 a Public Assembly of the Citizens was convened, as well for Quebec as Montreal; that these Assemblies respectively voted a Petition to His Majesty, and the Two Houses of Parliament, and chose Committees to draw it up, and to have the Management thereof; that this Petition was signed in November 1784 by 2,363 Persons, old as well as new Subjects of His Majesty.

The Members of those Committees have the Honour to address themselves to your Lordship in their own Name and in the Name of their Constituents, to testify their Acknowledgments to you, for imparting to them, in the Quebec Gazette, the Addresses to His Majesty and your Lordship, drawn up at Montreal in the Name of the Canadians, and dated the 13th October last.

These Addresses, signed by a Body of Landholders and others, new Subjects, to the Number of 744, are in Opposition to the Objects of Reform set forth in the Petition of November 1784, as well as to the legal Measures which have been adopted in Support thereof.

Your Petitioners, ever attentive to the Interests of their Constituents, as well as their own, have thought it their Duty, which could not absolutely be dispensed with, to take into their Consideration the Assertions of the said Addresses, and to reply to them by Observations, which they humbly submit to your Lordship.

1st. His Majesty's old and new Subjects, who have subscribed to the Petition of November 1784, in requesting for this Province an House of Assembly, and the Introduction of the Commercial Laws of England, far from having the least Intention to abolish or destroy the old Laws, Customs, and Usages of Canada, have, on the contrary, fully and expressly requested, in the 4th Article of the said Petition, that the said Laws, Customs,

Customs, and Usages may be preserved, as will appear to your Lordship by the printed Copy of that Petition annexed hereto. Contrary to the Conduct and Proceedings of their Opponents, the Petitioners of November 1784, have acted with Candour, Impartiality, and Openness, having had their Petition printed in the French Language, and having caused it to be distributed in the different Parts of this Province, with Observations thereon, which have remained unanswered.

2. His Majesty's Canadian Subjects, who voted and signed the Petition of November 1784, to the Number of 1,518, persevere in the same Sentiments, and are as respectable as the Subscribers of the 13th October last, with regard to their Number, their Loyalty, their Fortune, or their Character, or even their Knowledge of the true Interests of this Province.

3. The Agent of the Petitioners of November 1784, in introducing and submitting their Petition to the Examination and Discussion of Parliament, has not been guilty either of Injustice or Rashness, or in presenting it in the Name, and as Agent of the said Petitioners, since he had been unanimously chosen for that Purpose, and authorized by the Committees, representing the large Body of the old and new Subjects, who have subscribed to the said Petition.

4. Your Petitioners yield with Reluctance to the indispensable Necessity of observing to your Lordship, with all due Respect, that in the List of their Opponents they perceive the Names of Judges, Counsellors, and others, who partake of a Part of the Pensions, Salaries, and lucrative Offices under Government; they will not allow themselves to reflect on what such an Opposition suggests. That List is swelled with the Names of sundry Proprietors of unimportant Seigneuries, a Number of whom have taken out Qualifications as Seigneurs without being such; and others have taken their Titles from Seigneuries which do not exist, or to which they have not any Right.

5. The Petitioners of the 13th of October last, having thought fit to represent themselves to His Majesty and your Lordship as the chief Proprietors and principal Seigneurs of this Province, your Petitioners are notwithstanding of Opinion, that it is their indispensable Duty to point out to your Excellency, that on the best Information which they have been able to procure, the old Subjects are in Possession of Seigneuries in this Province amounting to the Annual Income of more than £. 10,000 Currency, and that the Yearly Income of the Seigneuries in the Possession of the new Subjects, who have not subscribed to the Addresses of 13th October last, is valued at the Sum of £. 8,895 Currency and more, without comprehending therein the Produce of the Seigneuries of His Majesty and the Corporations in this Province; whilst the Seigneuries belonging to the Subscribers of the 13th October last do not produce, at the highest Estimation, more than £. 6,000 Currency.

This plain Account will point out to your Excellency in what Proportion those Subscribers hold Seigneuries in this Province, and what Right they have to the Preponderance which they claim; that if the Real and Personal Rights of the Petitioners of November 1784. are compared with

with those of their Opposers, the Superiority of the former must evidently appear; and it must also be more evident that the Commercial Property, amounting to £. 1,246,023. 6 s. 8 d. Sterling, according to the Estimate submitted to the Consideration of the Honourable Legislative Council in the Session of 1787 (whether belonging to British or Canadian Merchants) is almost all represented by the Subscribers of November 1784.

In what we have mentioned above we have not noticed the Real and Personal Property of the Old Subjects, the Loyalists, newly settled in the upper Parts of the Province.

6. That we may be permitted to represent to your Excellency, that the Promoters of the Addreeses of the 13th October last were the first to complain of the acting Laws in the Year 1783; nevertheless they do not now request any Reform; they appear to have a Predilection for that which they then reprobated, in formerly requesting "to be admitted without Distinction, under any Form of Government which His Majesty shall please to establish in this Province, to the valued Participation of the Favours, Rights, Privileges, and Prerogatives, which His Majesty's faithful Subjects enjoy in every other Part of the Globe."

Your Lordship is fully convinced, that One of the dearest Privileges of a British Subject is to participate, by a free Representation, in the making of those Laws to which they must submit.

Since, then, the Addreeses of the 13th October last have a Tendency to deprive a Number of British Subjects of a Right which they ought to possess, through their Representatives, of preserving their Laws, Customs, Usages, Immunities, and Privileges, as well as to ameliorate and modify them as Circumstances may require, and to which the best Laws are liable, since they are besides founded on erroneous Principles, supposed Facts, and ridiculous Pretensions, they ought of Consequence to lose the Weight which they seem to deserve from the Sanction of some respectable Names, mixed with fictitious ones, which are thereto subscribed.

Your Petitioners therefore join with their Opponents (and it is the Object of this Petition) to pray that your Excellency will be pleased to make a Report, which may describe the Two Parties, and prove the real Importance, Possessions, and Interests of both.

And your Petitioners, as well from Attachment as Duty, will not cease to pray for the Preservation of your Person and Family.

Montreal, 4th December 1788.

(Signed)

PR^{RE} GUY.
PH. DEROCHEBLAVE.
DUMAS S^R MARTIN.
PR^{RE} FORETIER.

J. DELISLE.
TH. PAPINEAU.
M^{CS} BLONDEAU.
J. F. PERRAULT.

N° 26.

(COPIE.)

Montreal 24 Déc. 1788.

MEMOIRE et PETITION à S. E. Lord Dorchester au Soutien de la très humble Adresse des Citoyens et Habitants Sujets Canadiens des différents Etats dans la Province de Québec et Canada, à Sa Majesté, du 13^e Octobre dernier, et pour servir de Réponse et Réfutation au Memoire et Requête des Marchands et d'autres, tant pour eux que pour leurs Constituants, du 1^e et 5^e Decembre suivants (1788.)

A son Excellence le Très Honorable Guy Lord Dorchester, Capitaine Général et Gouverneur en Chef des Colonies de Québec, Nouvelle Ecosse, et Nouveau Brunswick, et de leurs Dependances, Vice Amiral d'icelles, Général et Commandant en Chef de toutes les Troupes de Sa Majesté dans les dites Colonies, et dans l'Isle de Terre-neuve, &c. &c. &c.

MEMOIRE et PETITION,

Au Soutien de la très humble Adresse des Citoyens et Habitants Sujets Canadiens de différents Etats dans la Province de Québec, en Canada, à Sa Majesté, en Date du 13 Octobre dernier; et pour servir de Réponse et Réfutation au Mémoire et Requête des Marchands et autres des Villes de Québec et de Montréal, tant pour eux que pour leurs Constituants, en Date des 1^{er} et 5^{me} Decembre suivants.

Qu'il plaîse à Votre Excellence,

LES nouveaux Sujets Canadiens de Sa Majesté, en faisant connoître à votre Seigneurie leurs vrais Sentiments, ne peuvent s'empêcher de lui exprimer le Déplaisir que leur causent les Démarches si souvent reiterées des anciens Sujets conjointement avec quelques nouveaux. Et combien plus désagréable leur devient la Nécessité où ils se trouvent d'approfondir une Matière aussi délicate, pour ne point troubler l'Harmonie qui a régné si avantageusement sous le Gouvernement de votre Seigneurie. Quoique peut-être le Nombre des Signatures que nous avons déjà produit devoit paroître suffisant pour prouver le Point essentiel de notre Opposition, qui dit, que les grands Propriétaires de notre Nation, et les différents Etats qui la composent, n'ont point été consultés; cependant, pour ne laisser aucun Doute sur les Observations légèrement avancées par les soi-disant Comités, qui ont signé les Mémoires du 1^{er} et 5^{me} du présent Mois, nous croyons de notre Devoir, et de l'Intérêt de nos Compatriotes, de représenter humblement à votre Seigneurie,

Que cette Assemblée, tenuë dans l'Automne de 1784, n'est ni légale, ni régulière,

reguliere, ni générale. Elle fut convoquée de 10 Heures du Matin à 3 Heures après Midi du même Jour: Aucune Personne n'étoit dénommée dans le Convocation; une grand Partie des Citoyens ne fut point avertie; les Propriétaires de la Banlieue n'en eurent aucune Connoissance; et les Seigneurs et Tenanciers des Campagnes, dans toute l'Etendue de la Province, n'en furent point instruits. Un ancien Sujet seul fit l'Electiion, qu'ils n'ont pas même suivie, comme votre Seigneurie peut s'on convaincre par une Lettre publique, en Forme de Protêt, cy-jointe sous la Lettre A.

Que les Adresses du 13^e Octobre dernier ne sont, il est vrai, signées que par 744 Personnes; mais ne sont pas moins une Suite d'une pareille Opposition formée en Décembre de l'Année 1784. Soutenuë par les Signatures de Trois Mille et quelques Cens Seigneurs, Citoyens, et Tenanciers, cette Adresse de 1784, quoique les Petitionnaires des 1^{er} et 5^{me} de Décembre affectent de la passer sous Silence, est particulièrement mentionnée dans celle du 13 Octobre dernier, et fut rédigée au Desir d'une Assemblée respectable et nombreuse, tenuë volontairement, paisiblement, et avec l'Union la plus parfaite, peu de Jours après la leur.

Que ces anciennes Loix et Usages de notre Province, dont ils s'efforcent en vain de paroître les zélés Conservateurs, seroient bientôt dénués de Protecteurs, si, réussissant dans leurs Demandes, ils en devenoient les Arbitres. A quelles Vicissitudes, inséparables d'une telle Constitution, ces Loix ne seroient elles pas sujettes, leur plus grand Soins ayant été de se réserver le Droit de les altérer à Volonté? Ces beaux Noms de Candeur et d'Impartialité, dont le Mérite réel est de notre Côté, cesseroient de leur être attribués lorsqu'il sera prouvé à votre Seigneurie que l'Impression et Publication de leur Adresse de 1784 n'ont vû le Jour que dans le Mois de Fevrier de l'Année suivante, et dont votre Seigneurie trouvera Copie ci-annexée sous la Lettre B. Par cette Date on peut juger si c'étoit bien le Tems de prétendre instruire un Peuple entier, lorsque toutes Demandes, Adresses, et Mémoires étoient déjà envoyés. Ce qui est plus frappant, nous prouvons que leur Adresse, au lieu de rester sans Réponse, fut au contraire réponduë par des Observations et Objections à leurs Demandes, imprimées dans le Mois de Décembre 1784, et renduës publiques par plus de Cent Exemplaires, dont un, sous la Lettre C. est aussi cy-annexé. Il faut avouër que le Hazard seul nous avoit favorisé d'une Copie de leur Adresse, malheureusement pour eux confiée à des Personnes bien éloignées de leur Système.

Que la Pétition du 13^e Octobre dernier étant au Soutien de l'Opposition de Decembre 1784, c'est au Nombre de Trois Mille et quelques Cens Signatures, qui y étoient apposées, que l'on doit avoir Recours. Ce Nombre est dans un Etat beaucoup plus intacte que celui de 1518, qu'ils s'approprient. La Publication de ces Adresses du 13^e Octobre dernier devoit les en convaincre s'ils avoient voulu faire tant soit peu d'Attention aux Noms de plusieurs Citoyens respectables, que leur Honneur a engagé à reconnoître l'Erreur dans laquelle ils étoient tombés; néanmoins, ils le servent encore de leurs Noms et de bien d'autres, auprès desquels ils n'ont pas osé renouveler leurs Instances actuelles: Delà, il est aisé de juger s'il y a Témérité de la Part de cet Agent, de s'être servi de ces Noms, et du Pouvoir de la Nation Canadienne.

Que

Que notre Conduit à toujours été uniforme et conséquente. Si en 1783 quelques uns de nous ont souscrit une Pétition aux fins de jouir Droits et Privilèges des Sujets Britanniques sans Distinctions, le But de cette Pétition étoit l'Introduction de cette Loi inestimable de l'Habeas Corpus dans notre Province, et l'Admission des nouveaux Sujets de Sa Majesté dans toutes les Places et Emplois du Gouvernement, proportionnellement à leur Nombre: Toujours constants dans ces Demandes, nos Adresses de 1784 et 1788 en font Foi. Quant à cette Chambre d'Assemblée ce Projet n'étant connu de Personne, et n'ayant jamais été agité, nous y pouvions nous y opposer. Ne seroit-ce pas plutôt jeter un Doute plus sensible sur une Loyauté qui ne fut jamais équivoque, que d'accorder, sans avoir Egard à l'Importance de nos Oppositions, des Demandes qui nous sont si contraires, et qui ne sont appuyées que d'un si petit Nombre de notre Nation ?

Que les Pétitionnaires des 1^{er} et 5^{me} du présent Mois, au lieu d'user d'une Réticence affectée et peu libérale, sans céder à leur Devoir, auroient mieux fait de donner une libre Carrière à leurs Opinions sur les Juges, Conseillers, et autres qui se sont joints à nous dans toutes nos Oppositions. Ces Qualités, bien loin de nous rendre suspects les Caractères respectables qui en sont décorés, sont au contraire que notre Nation les regardera toujours comme des Protecteurs qui, n'ayant point oublié le Titre de Citoyen, se font un Devoir de soutenir ses Privilèges. Les Représentants du 13 Octobre dernier, en se qualifiant Seigneurs, y avoient tous un Droit incontestable, et ne peuvent conséquemment perdre le Poids qu'ils doivent avoir. Avec plus de Raison, nous pourrions faire de pareilles Observations, mais nous laissons aux Connoissances supérieures de votre Seigneurie cette Distinction: Que les Adresses du 13 Octobre dernier sont certainement signées par les grands Propriétaires et Tenanciers de notre Nation, lesquels n'ont jamais été consultés. Quelqu'un moins instruit que votre Excellence des Sentiments des Seigneurs qui composent cette Province, auroit pu se laisser surprendre à ces diverses Listes de Seigneurs, anciens et nouveaux Sujets, qu'ils ont donné sous un Jour à faire croire que ceux qui y sont compris n'ayant point signé les Adresses du 13 Octobre dernier, sont indubitablement de leurs Opinions; tandis qu'il est notoire que plusieurs leur sont opposés, et un grand Nombre ignorent leurs Démarches. Nous croyons à plus juste Titre pouvoir dire, que ceux de ces Seigneurs, et autres Propriétaires, qui sont dans entière Ignorance de tout ce qui se passe, et dans une Sécurité parfaite, doivent être par leur Silence regardés comme satisfaits du Système actuel de notre Constitution; et avec bien moins de Raison doit-on dire qu'ils s'en plaignent, et parler en leur Nom à cet Effet.

Que l'Estimation des Revenus des Seigneuries, devenant nulle par l'Erreur où ils ont tombé en mettant de leur Parti tous Propriétaires qui n'ont pas signé avec nous; et d'ailleurs, ne démontrant pas sur quoi ils l'ont appuyé, il est inutile d'y répondre. On ne doit pas considérer seulement le Revenu du Seigneur, on doit beaucoup à la Propriété des Tenanciers, qui, si nous en calculons le Nombre qui compose notre Province, fera voir une Quantité considérable de Suffrages qui leur manquent; et cependant ils y ont un Droit incontestable. Plut à Dieu que ce Million Deux Cens Quarante-six Mille Vingt-trois Livres Six Schellings Huit Deniers du Commerce se réalisât

réalisât la Droiture de nos Intentions, ne laisse aucun Doute sur les Vœux sincères que nous formons à son Egard. Si ce Calcul est vrai, notre Systême actuel ni leur est donc pas défavorable. En admettant qu'il le soit, ces Sortes de Richesses ne fixent point l'Individu dans un Pays ; les Propriétaires seuls ont Droit à la Conservation ou Altération de leurs Loix et Constitutions. On scait les Précautions qu'on doit apporter pour l'Etablissement d'une Loi, et combien plus grands doivent être ces mêmes Précautions pour la changer. C'est sur ce Principe que dans les Mois de Janvier et Fevrier l'Année 1787, les Citoyens Canadiens, des Villes de Québec et de Montréal, formerent des Pétitions à votre Excellence ; il est étonnant que plusieurs de ceux qui les ont signé dans le Temps, agissent maintenant d'une Maniere si contraire à des Points par eux si clairement et si justement démontrés.

Que, sur la Publication dans la Gazette de Québec, le 18 du présent Mois, de deux Mémoires et Requêtes, l'une dattée de Montréal, le 4^e Décembre, signée de Huit Personnes, et l'autre de Québec, du 5 du même Mois, signée par 12. Nous ne pouvons nous empêcher d'observer à votre Excellence, que ces Deux Requêtes faites séparément, nous ont paru plus susceptibles d'Affectation de leur Part, que de Principes solides que dussent mériter notre Attention. Elles sont une Répétition pas mieux fondée, que la Pétition des anciens Sujets que nous croyons avoir amplement réfutée. Nous nous contenterons de dire qu'il nous paroît plus étrange de leur Part, d'avoir voulu tirer leur Importance des Sujets Loyalistes nouvellement établis dans cette Province ; tandis que par Devoir, et par cette Justice qu'ils doivent à leurs Compatriotes, ils auroient dû soutenir avec nous qu'aucune Raïson de Nombre ou d'Intérêt particulier ne doit nous priver d'une Constitution dont nous sommes redevables aux Faveurs Royales de Sa Majesté, et des Loix si solemnellement promises et garanties, dont la Conservation est un de nos Droits les plus sacrés.

Vos Représentants osent se flatter d'avoir répondu d'une Maniere satisfaisante et positive à des Faits dénués de toutes Preuves d'avoir démontré l'Erreur des Estimations et des Calculs imaginaires, et la Futilité des Assertions des Pétitionnaires des 1^{er}, 4^{me}, et 5^{me} du présent Mois. La Répugnance que nous avons pour ces Débates Litteraires, qui sont la Source de bien des Conséquences dangereuses, nous fait omettre des Détails que les Connoissances de votre Seigneurie sur l'Etat actuel de la Province et ses Individus, nous faut espérer qu'elle voudra bien suppléer au Tableau qu'il nous seroit si avantageux de lui présenter. Si votre Excellence entretient le moindre Doute sur la Vérité de nos Allégués, et sur les Sentiments généraux de notre Nation, nous la supplions de faire intervenir son Autorité pour connoître, par les Voies que sa Sageesse ordinaire pourra lui suggérer, l'Opinion et le Vœu général des loyaux Sujets Canadiens de Sa Majesté. Si vos Représentants vouloient remonter à une Epoque plus reculée, il leur seroit facile de convaincre votre Seigneurie que c'est à une Carrière trop libre et ouvertement soutenuë par certaines Personnes, que ce nouveau Systême de nos Opposants a dû son Existence ; et que nous pouvons avancer que l'Influence de ces Personnes en a entraîné un Nombre d'autres, sans en connoître les Conséquences. Nous ne pouvons non plus citer nos vrais Motifs de Patriotisme et de Loyauté en formant nos Oppositions. Nos Peuples, trop pauvres et trop endettés, sont incapables de supporter les

Taxes qui doivent nécessairement resulter du Systeme proposé par les Pétitionnaires. L'Exemple malheureux de cette Insurrection récentes des Colonies voisines, qui a pris sa Source dans un pareil Systême, nous représente continuellement sous les Yeux le déplorable Sort de notre Nation, si elle en devenoit la Victime, en perdant de Vuë les Intérêts qui doivent l'attacher si étroitement à ceux de notre Monarque bienfaisant: Nous n' avons pas à craindre, avec de semblables Vuës, les Reproches de nos Compatriotes, ni le Rapport et le Caractère que votre Seigneurie daignera donner de nous à Sa Très Gracieuse Majesté. C'est pourquoi nous la supplions encore plus fortement d'y donner toute son Attention, de considerer nos Démarches commue conformes à celles que nous avons toujours suivies, et dont votre Excellence a pu se convaincre par les Pieces dont elle est munie. Vos Représentants, ne doutant pas que les Pétitionnaires des premier, 4^{me}, et 5^{me} du présent Mois ont transmis Copies de leurs Pétitions en Angleterre, prenent la Liberté de supplier votre Seigneurie de faire parvenir au Pied du Trône de leur Auguste Souverain une Copie de la présente, qu'ils ont l'Honneur de vous adresser; et pour ce nouveau Bienfait ils ne cesseront de prier pour la Prospérité de votre Excellence, et la Conservation de son illustre Famille.

Montreal,
le 24 Decembre 1788.

(Signed by 2, 115. Persons,)

N° 27:

TRANSLATION.

Montreal, 24th December 1788.

MEMORIAL and PETITION to Lord Dorchester, in Support of the humble Address to His Majesty of the Citizens and Inhabitants Canadian Subjects of the different States in Quebec and Canada, dated the 13th of October last; and as an Answer and Refutation to the Memorial of the Merchants and others of Quebec and Montreal, for themselves and their Constituents, bearing Date the 1st and 5th December following (1788.)

To His Excellency the Right Honourable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, and their Dependancies, Vice Admiral thereof, General and Commander in Chief of all His Majesty's Forces in the said Colonies, and in the Island of Newfoundland, &c. &c. &c.

MEMORIAL and PETITION

In Support of the most humble Address of the Citizens and Inhabitants, Canadian Subjects of the different States in the Province of Quebec, in Canada, to His Majesty, bearing Date the 13th of October last; and serving for Answer and Refutation to the Memoir and Request of the Merchants and others of the Cities of Quebec and Montreal, as well for themselves as their Constituents, bearing Date the 1st and 5th of December following.

May it please your Excellency;

THE new Canadian Subjects of His Majesty, in acquainting your Lordship with their real Sentiments, cannot refrain from expressing their Displeasure at the reiterated Proceedings of the old, conjointly with some new Subjects. This becomes the more disagreeable, from the Necessity under which they find themselves, of investigating so delicate a Subject, and at the same Time to avoid interrupting that Harmony which has so happily subsisted under your Lordship's Government. Although, perhaps, the Number of Signatures which we have already produced ought to suffice to establish the essential Ground of our Opposition, which says, that the great Landholders of our Nation, and the different States which compose it, have not been consulted, nevertheless, in order to obviate all Doubts relative to the Observations, lightly advanced, of the self-named Committees who have signed the Petitions of the 1st and 5th of the present Month, we think it as well our Duty as the Interest of our Countrymen humbly to represent to your Lordship, That this Assembly, which was held in the Autumn of 1784, was
neither

neither legal, nor regular, nor general. It was convened ^{from} _{between} Ten o'Clock of the Morning to Three o'Clock of the Afternoon of the same Day; no Person was appointed from the Convocation; a great Number of the Citizens was not informed of it; the Proprietors of the Precincts had no Knowledge of it; the *Seigneurs* and Country Tenants throughout the whole Extent of the Province, were not made acquainted with it: One ancient Subject alone made the Election, which they did not even follow, as your Lordship may convince yourself by a Letter published in the Form of a Protest, annexed under the Letter A.

That the Addreeses of the 13th of October last are not, it is true, signed by more than 744 Persons; but that they are nevertheless a Continuation of that same Opposition which was formed in the December of the Year 1784, supported by the Signatures of Three thousand and some hundred *Seigneurs*, Citizens, and Tenants. This Address of 1784, notwithstanding that the Petitioners of the 1st and 15th of December affect to pass it over in Silence, is particularly noticed in that of the 13th of October last, and was drawn up at the Desire of a numerous and respectable Assembly, held voluntarily, peaceably, and in the most unanimous Manner, a few Days after their own.

That the ancient Laws and Customs of our Province, of which they in vain endeavour to appear the zealous Defenders, would in a short Time be deprived of Protectors, if, succeeding in their Demands, they should become the Arbiters of them. To what Changes, inseparable from such a Constitution, would not these Laws become subject, seeing that their greatest Care has been to reserve to themselves the Right of altering them at Pleasure? Those fine Names of Candour and Impartiality, the real Merit of which is on our Side, will no longer be given them, after it shall be proved to your Lordship that the printing and publishing of their Address of 1784 did not appear until the Month of February of the following Year, a Copy of which your Lordship will find annexed under the Letter B. By this Date we may judge whether this was a Time to pretend to instruct an whole People, when all the Requisitions, Addreeses, and Petitions were ^{already} _{also} transmitted. What is yet more striking, we can prove that their Address, so far from being unanswered, was, on the contrary, replied to by Observations on and Objections to their Demands, printed in the Month of December 1784, and published in more than an Hundred Copies, one of which, under the Letter C, is also annexed. We must confess, that Chance alone procured us a Copy of their Address, entrusted, unfortunately for them, to Persons who were entirely averse to their System.

To prove that the Petition of the 13th of October was in Support of that of December 1784, we have only to refer to the Three thousand and some Hundred Signatures which were affixed to it; that Number is in a much more entire State than that of the 1,518, which they appropriate to themselves. The Publication of these Addreeses of the 13th of October last would have convinced them of it, had they been disposed to pay Attention to the Names of many respectable Citizens, whose Honour engaged them to avow the Error into which they had fallen; nevertheless they yet make use of their Names, as well as those of many others, to whom they dare not renew their Solicitations. Hence it is easy to judge what has been the
Temerity

Temerity of that Agent who has thus made use of their Names, and of the Power of the Canadian Nation.

That our Conduct, on the contrary, has been uniform and consistent. If, in 1783, some of us signed a Petition praying to enjoy the Rights and Privileges of British Subjects without Distinction, the Object of that Petition was the Introduction of the invaluable Law of Habeas Corpus into our Province, and the Admission of His Majesty's new Subjects into all the Places and Employments of Government, in Proportion to their Number: Always consistent in these Demands, our Addresses of 1784 and 1788 bear Testimony to. As for what relates to an House of Assembly, that Project being communicated to no one, and having never been agitated, we could not declare our Opposition to it. Would it not be to doubt our unimpeached Loyalty, to grant these Demands, without paying Attention to our Opposition to them, to their being so contrary to us, and supported only by so small a Portion of the Canadian Nation?

The Petitioners of the 1st and 5th of the present Month, instead of preserving an affected and illiberal Silence, would have done better, without in anywise having swerved from their Duty, if they had freely delivered their Opinions upon the Judges, Counsellors, &c. who have joined us in this our Opposition. These Qualities, far from rendering us suspected, will, on the contrary, prove to the Canadian Nation, that those respectable Characters who possess them, far from forgetting the Titles of Citizens, make it their Duty to support their Privileges. The Representatives of the 13th of October last, in calling themselves *Seigneurs*, did no more than that to which they had an incontestable Right, and cannot consequently lose any of that Weight to which they are entitled. We might, with more Justice, make the same Observations; but we submit this Distinction to the superior Knowledge of your Excellency, that the Addresses of the 13th of October last are certainly signed by the great Proprietors and Tenants of our Nation, who were never consulted. A Person less acquainted than your Excellency with the Sentiments of those *Seigneurs* who compose this Province might have suffered himself to be deceived by those different Lists of old and new Subjects, which they have presented in such a Manner as to impose the Belief that those who oppose it, not having signed the Addresses of the 13th of last October, are undoubtedly of their Opinions; whilst it is notorious that many are hostile to it, and that a great Number are ignorant of the Measures which they have pursued. We believe we may with Reason say, that those of those *Seigneurs* and other Proprietors who live in a total Ignorance of all that passes, and in a State of perfect Security, ought, by their Silence, to be considered as contented with the present System of our Constitution; with much less Reason, therefore, ought they to assert that these Persons complain, and speak in their Name to that Effect.

That the Calculation of the Revenues of the Seignories becomes null by the Error into which they have given, in ranging on their Side all those Proprietors who did not sign with us; besides, it not having been demonstrated on what they have founded it, it is useless to answer it. We must not calculate only the Revenue of the *Seigneur*, much also must be allowed for the Property of the Tenants, who, were we to calculate their

Number who inhabit this Province, would bring to Light a considerable Number of Names which they want, and yet they have an undoubted Right. Would to God that this Million Two hundred and Forty-six thousand and Twenty-three Pounds Six Shillings and Eight Pence of Commerce could be realized! The Integrity of our Intentions cannot leave any Doubt of the Sincerity of our Wishes with respect to it. If this Calculation be true, our present System cannot be so unfavourable to them; but in admitting even that it is so, since that is a Kind of Riches which does not attach an Individual to a Country, the Proprietors alone have a Right to the retaining or changing their Laws and Constitutions. Every one knows how many Precautions are necessary in the making of a Law; and how much greater ought these same Precautions to be with respect to the repealing it? It was on this Principle that, in the Months of January and February, of the Year 1787, the Canadian Citizens of the Cities of Quebec and Montreal drew up Petitions to your Excellency. It is surprizing that many of those who then signed them should now act in so different a Manner upon Points which they themselves so clearly and justly demonstrated.

We cannot forbear remarking to your Excellency upon the Publication, in the Quebec Gazette of the 18th of the present Month, of Two Memoirs and Petitions, the One dated from Montreal, of the 4th of December, signed by Eight Persons, and the other from Quebec, of the 5th of the same Month, signed by Twelve Persons, that these Two Petitions separately drawn up, appear to us to be rather founded on Affectation on their Part, than upon such solid Principles as should merit our Attention, it is a Repetition, without any better Foundation for it, than of the Petition of the ancient Subjects, which we flatter ourselves we have amply refuted. We shall content ourselves with saying, that their Conduct appears to us very singular, in wishing to derive their Importance from those Subjects, Loyalists, who are lately settled in this Province; whilst from Duty, and from that Justice which they owe their Fellow Citizens, they ought rather to have maintained with us that no Reason of Numbers, or of the Interests of Individuals, ought to deprive us of a Constitution for which we are indebted to the Royal Favours of His Majesty, as well as of Laws so solemnly promised and guaranteed to us, the Preservation of which is One of our most sacred Rights.

Your Petitioners flatter themselves with having answered in a satisfactory and positive Manner their Assertions unsupported by Proofs, and to have pointed out the Errors of their Estimations and imaginary Calculations, as well as the Futility of the Assertions of the Petitioners of the 1st, 4th, and 5th of the present Month. The Dislike which we have to these literary Debates, and which are the Source of many dangerous Consequences, induces us to decline entering into Details, which the Information of your Lordship, upon the actual Situation of this Province and its Inhabitants, renders unnecessary, and which we hope will furnish you with those Descriptions which it would be so much for the Interest of our Cause to lay before you. If your Excellency should entertain the least Doubt of the Truth of our Allegations, and of the general Sentiments of our Nation, we beseech you to interpose your Authority, in order to ascertain, by those Means which your
 Lordship's

Lordship's wonted Wisdom will point out to you, the Sentiments and the general Wishes of His Majesty's loyal Canadian Subjects. If your Petitioners were disposed to look back to a remote Period, it would be easy for them to convince your Lordship, that it is owing to a too free Course, openly supported by certain Persons, that this new System of our Antagonists owes its Existence; and that we are able to prove that the Influence of these Persons has misled a Number of others, who were unacquainted with the Consequences of it; neither can we cite our true Motives of Patriotism and of Loyalty in forming our Opposition. Our People are too poor and too much in Debt to be able to support the Taxes which would necessarily result from the proposed System of ^{the Petitioners.} _{our Adversaries.}—The unhappy Example of the recent Insurrection in the neighbouring Colonies, which derived its Source from a similar System, points out to us continually what would be the deplorable State of our Nation, were it to become a Victim to it, by losing Sight of those Interests which ought to unite it so closely with those of our benevolent Monarch. With these Views we do not fear the Reproaches of our Countrymen, nor the Character which your Lordship will condescend to give us to His Most Gracious Majesty: Wherefore we intreat you in the strongest Manner to pay every Attention to it, to consider our Conduct as conformable to that which we have always maintained, of which your Excellency may convince himself by those Papers which are in his Possession.—Your Protesters, not doubting but that the Petitioners of the 1st, 4th, and 5th of the present Month, have transmitted Copies of their Petitions to England, take the Liberty of entreating your Lordship to transmit to the Foot of His Majesty's Throne a Copy of the present Petition, which they have the Honour to lay before you; and for this recent Kindness your Petitioners will not cease to pray for the Prosperity of your Excellency, and the Preservation of his illustrious Family.

Montreal,
24th December 1788.

(Signed by 2,115 Persons.)

N^o 28.MEMORIAL of new Subjects of Quebec, 31st December
1788.

(COPIE.)

A' SON Excellence le Très Honorable Guy Lord Dorchester, Capitaine Général et Gouverneur en Chef des Colonies de Quebec, Nouvelle Ecoffe, et Nouveau Brunswick, et Dépendances, Vice Amiral d'icelles, Général et Commandant en Chef des Troupes de Sa Majesté dans les dites Provinces, et dans l'Isle de Terre Neuve, &c. &c.

Si votre Excellence veut bien le permettre,

NOUS les nouveaux Sujets, Citoyens de la Ville et District de Quebec, qui ont signés les très-humbles Requêtees a Sa Très Excellente Majesté, le 13 Octobre de cette Année, en Opposition à celle de quelques anciens et nouveaux Sujets, demandans une Chambre de Representans en cette Province, et le Rapel de l'Acte de Quebec; croirions nous manquer à nous-mêmes, à ceux qui ont signés avec nous, et à l'Intention du plus grand Nombre des Canadiens, si nous ne fassions quelques Observations sur des Mémoires présentés à votre Excellence les 1^{er}, 4, et 5 de ce Mois, publiés dans la Gazette de Quebec; plus modeste que les Redacteurs des Trois Mémoires, qui se pretendent Comité contre la Loi, nous n'oserons point, Milord, prendre un Titre auquel nous n'avons aucun Droit. La Saison, l'Eloignement des Paroisses, et le peu de Tems que nous aurions eu jusqu'au Depart de la Malle, ne nous ont permis de rassembler les Suffrages; Ce fera donc seulement comme Individus, et comme Membres de la Nation Canadienne, que nous prenons humblement la Liberté d'offrir à votre Excellence nos présentes Observations; et nous nous flattons, que nous réuffirons mieux à faire connoître à votre Excellence les Intentions du plus grand Nombre des Habitans naturels de ce País, que ceux qui s'en disent très-illégalement les Représentans.

Les Affertions hazardies, les Calculs erronnés, que contiennent ces Mémoires pourroient trouver de la puy loin du Lieu où la Trame est ourdie si nous negligions de donner les Moïens à detruire les Impressions qu'ils laisseroient sans Doute dans l'Esprit de ceux qui connoissent imparfaitement les País et les Individus dont il est composé.

Les Habitans nombreux de cette Province, heureux sous un Gouvernement modéré, presque tous Cultivateurs paisibles, Etrangers à l'Intrigue et à l'Esprit de Parti, sans Taxes directes sur leurs Propriétés, doutent qu'il puisse exister pour eux un Etât plus fortuné; si quelqu'uns ont preté l'Oreille aux Projets d'Innovations, c'est parce qu'ils ont crû que ces Innovations étoient les seuls Rêmedes à leurs Plaintes, et les seuls Moïens à conserver leurs

Loix

Loix de Propriété, leur Religion, et même le Bonheur de la Province, qui étoient en Danger. De cet Exposé à votre Excellence, qui connoît parfaitement les Habitans de ce Pais, il en resultera que le Projet d'innover dans le Sytème de notre Legislation ne vient que du plus petit Nombre, à qui nos Loix repugnent, et qui desirent d'en introduire d'Etrangères; et ce petit Nombre à entraîné ceux qui paroissent dans les Listes qui ont été présentées à votre Excellence, les quels ignorent absolument les vrais Motifs et les mauvaises Suites de telles Innovations.

Notre Religion, nos Loix de Propriété, notre Sureté personnelle, voilà ce qui nous interesse, et ce dont nous pouvons jouir le plus amplement, par le Bill de Quebec; un Chambre d'Assemblée nous repugné par les Conséquences fatales qui en resulteront. Pourions nous nous flatter de conserver long-tems, comme Catholiques Romains, les mêmes Prérrogatives que les Sujets Protestants dans une Assemblée de Représentans; et ne viendrait il point un Terns en la Prépondérance de ces derniers influerait contre notre Posterité? Dans ces Cas jouirions nous et notre Posterité des Avantages que l'Institution actuelle nous assure? Ne craindrons nous point encore de voir asseoir les Impôts sur les Propriétés, tandis qu'ils ne portent actuellement que sur des Objets de Commerce, que l'Habitant paie il est vrais, mais indirectement, et à Proportion de ce qu'il consomme? Ne devons nous point craindre de voir la Chambre des Représentans créer le Germe de la Dissention, et nourir les Haines intestines, que des Interêts opposés entre des anciens et des nouveaux Sujets feraient eclorre et susciter? Nous allons nous servir des propres Armes de ces zélés Partisans d'une Chambre de Représentans, et employer leurs Calculs pour demontrer les Erreurs des Tableaux dont ils appuient leurs Adressés.

Il est à remarquer que le Mémoire des anciens Sujets, en présentant la Liste enflée des Revenus des Trente-six Seigneurs, anciens Sujets, montant à £. 10,346, semblerait insinuer que ces Trente-six Seigneurs auraient donné leur Sanction à l'Adresse de 1784 pour une Chambre d'Assemblée, tandis que réellement il ne s'en trouve que 14 dont les plus apparens n'ont même point signé, et aux quels ils veulent cependant prêter du Penchant pour les Mésures qu'ils ont adopté.

Les Partisans de cette Assemblée de Représentans feignent aussi d'ignorer que dans l'Année 1784 il a été transmis au Pieds du Trône une Adresse entierement opposée à une Chambre d'Assemblée, et que cette Adresse étoit signée de près de Quatre Mille Personnes; et que si dans notre Seconde Adresse du 13 Octobre les Signatures de ces mêmes Personnes n'ent point été receuillies, c'est qu'en ne la point crue nécessaire, et qu'il suffisoit de prendre celles des plus notables, et à la Convenance attendu l'Eloignement et la Saison; or il ne s'agit plus de Sept Cens Quarante-quatre Opposans à la Chambre d'Assemblée, mais d'environ Quatre Mille qui ont signé positivement contre cette Chambre, et dont les Signatures sont dans les Mains des Ministres de Sa Majesté; ce qui va former une Différence frappante dans le Resultat de leurs Calculs imaginaires.

Nous ne placerons point non plus dans la Classe des Partisans de la Chambre des Représentans les anciens et nouveaux Sujets qui ne l'ont point demandé; or si suivant leur Sputation on compte Vingt Mille Huit Cent

Pères de Familles Propriétaires de Bien Fonds, Sujets Canadiens : Si dans le même Proportion on suppose Deux Mille anciens Sujets, si sur ce Total, reuni de Vingt-deux Mille Huit Cens, on deduit les Deux Mille Trois Cens Soixante-treize Souscripteurs pour une Chambre d'Assemblée ; au moins il restera Vingt Mille Quatre Cens Quatre Vingt-sept Sujets, dont Quatre Mille et plus se sont formellement opposé au Projet de Reforme, en aiant eu Connoissance, les autres, ou l'ont ignoré et ne demandent aucun Changement, parce qu'ils sont contents de la Forme de Gouvernement ou ont refusé de signer sur l'Adresse pour une Chambre d'Assemblée, lorsqu'elle leur a été présentée, parce qu'ils en désapprouvaient le But.

L'Article d'Un Million Deux Cens Quarante-six Mille Vingt-trois Livres Six Shellings Huit Pence Sterling, la Propriété du Commerce, presque toute est il dit, entre les Mains des Souscripteurs pour la Chambre, ne servira qu'à faire voir que les Assertions hazardées content peu à qui veut présenter les Objets dans un Jour différent qu'ils ne le sont réellement ; un petit Nombre de Particuliers, dont les Trois Quarts ne sont que des Laboureurs ou des Citoyens, dont les Revenues n'excèdent certainement point les Quarante Livres qu'on veut gratuitement leur donner, et dont parmi les autres il ne se rencontre que peu de Marchands, de qui le Credit soit établi sur des Fondemens solides, réunirait il une Masse immense et exagérée qui en lui supposant l'Existence qu'elle n'a point, ne peut être que divisée et subdivisée entre tous les Marchands de la Province, dont la plupart n'ont jamais souscrits pour la Chambre d'Assemblée la Part des Negocians de la Grande Bretagne ne pourrait être plus considérable, si ces Messieurs, qui n'habitent point le País, avoient quelques Droits au Changement du Système actuel de cette Province. Ce Million et quelques Cens Livres Sterling ne formera donc aucune Ballance en Faveur de la Demande de la Chambre, et ne pourra tourner que contre elle, puisqu'il est vrai que cette Somme se trouve repandue tant chez les Marchands de cette Province qui ont souscrits pour la Chambre, que chez les Marchands de Londres, aussi chez les Opposans à cette Chambre, et encore chez un Nombre de ceux qui ne veulent point entendre parler ni s'ingerer en aucune Façon dans les Affaires Politiques.

R E C A P I T U L A T I O N .

Partisans de la Reforme.

14	Seigneurs anciens Sujets, valant, en Rentes Seigneuriales, et autre Revenus	— —	£. 8,770
13	Seigneurs nouveaux Sujet, valant	— —	5,385
2,346	Anciens et nouveaux Sujets de tous États, à £. 40		93,840
			£. 107,995
2,373	A' deduire les Pensions & Salaires	— —	440
			Reste — £. 107,555

On

On pourra donc tout au plus dire, que Deux Mille Trois Cens Soixante-treize Personnes, valant la Somme de Cent Sept Mille Cinq Cens Cinquante-cinq Livres de Revenus, ont demandé et souscrit pour une Chambre d'Assemblée, par leur Adresse de 1784, et pour les Objets y continus ; mais il faut cependant observer que plusieurs des Seigneurs, anciens Sujets, au Nombre de ceux portés cy-dessus, n'ont point signé, que c'est mal à-propos qu'on avance qu'ils sont Partisans de l'Adresse ; et que si on deduisait leurs Revenus de la Liste qui concerne les Seigneurs anciens Sujets, elle se trouverait reduite à peu de Chose. Que Deux des principaux Seigneurs en Revenus, nouveaux Sujets, qui étoient Membres, et a la Tête du Comitté de 1784 pour la Chambre, paraissent s'en entre retirés depuis, sans Raïson de *Mort* ni de *Vacances*. Il faut aussi observer que des Deux Mille Trois Cens Quarante-six Sujets de toutes Denominations, évalués à £. 40 de Revenus, un Huitieme de ce Total n'a réellement point de Revenus ; et que les Sept autres Huitiemes sont bien loin d'avoir les £. 40, qu'on leur donne aussi gratuitement.

Oposans à la Chambre d'Assemblée.

51 Seigneurs, valant, en Rentes Seigneuriales et autres Revenus,	—	—	—	£. 10,836
3,949 Sujets de toutes Dénominations sur la Contr'adresse de 1784, et sur celle de 13 Octobre dernier,				
4,000 a £. 40,	—	—	—	157,960
				£. 168,796
A deduire les Pensions et Salaires	—			2,745
				Reste — £. 166,051

Il résulte que 4,000 Personnes, valent £. 166,051, sont formellement opposées la Chambre d'Assemblée, qu'elles surpassent en Nombre les Partisans de la dite Chambre, comme Seigneurs de Vingt-quatre Individus, et comme Sujets de toutes Conditions de 1,603 Individus, et que leurs Revenus excèdent ceux des Réformateurs de £. 58,496, en observant que les 51 Seigneurs oposans ne sont que ceux qui ont signé sur l'Adresse du 13 Octobre dernier, et que beaucoup d'autres qui n'ont point signé sur cette Adresse l'ont fait sur celle de 1784, comme Oposans à la Chambre d'Assemblée. Vos Supplians, représentant encore à votre Excellence le Tableau du Nombre et des Revenus de ceux qui n'ont point portés de Plaintes aux Pieds du Trône, et souscrits à la Demande d'un nouveau Système, que tous les Canadiens atachés aux vrai Interêts de la Province redoutent, par les Conséquences malheureuses qu'il entrainera.

Nombre

Nombre de ceux qui n'ont point entendu parler du Projet d'une Chambre d'Assemblée, ou qui n'ont point voulu signer pour cette Chambre.

36 Seigneurs anciens Sujets, valans, Penfions et Salaires		
deduit	—	—
		£. 13,754
75 Seigneurs nouveaux Sujets, valans, Penfions et Salaires		
deduit	—	—
		12,069
16,316 Sujets de toutes Denominations, à £. 40		652,640
<hr/>		<hr/>
16,427		£. 678,463

Ajoutons à ce Calcul le Nombre des Oposans à la Chambre, et leurs Revenus, il en resultera que 20,427 Pères de Families, valant £. 844,514 de Revenus, n'ont point demandé et sont oposans à une Chambre de representans, et qu'on ne peut leur opposer que 2,373 Personnes, qui ne valent que £. 107,555, Souscripteurs pour la dite Chambre, nous ne comprenons point les Communautés et les Seminaires de Québec et de Montreal, dont les Soins et la plus grande Partie des Revenus sont employés à l'Education d'un Nombre d'Enfans, et au Soutien et Soulagement des Malades et des pauvres Familles, qui sans leurs Secours tomberaient les premiers dans l'Ignorance, et les derniers dans la plus affreuse Indigence. Le Nombre de 4,000, que nous avons adopté, n'est peut être point exactement celui de tous les Oposans à la Chambre, puisque nous n'avons point devant les Yeux la Liste des Souscripteurs de la Contre Adresse de 1784. Nous croions cependant pouvoir assurer votre Excellence qu'ils ne sont point au-dessous de 3,500; et en y ajoutant les Signatures de l'Adresse du 13 Octobre dernier, on jugera si nous avons hazard en calculant sur 4,000 Oposans avec d'autant plus de Raifon que le Signatures de Quebec sur la derniere Adresse ne paraissent point dans celle de 1784; c'est ainsi, Milord, que pour anéantir les Assertions des Partisans de la Réforme nous avons employé leurs propres Calculs, dont nous sommes bien éloignés d'approuver la Justesse, et dont l'Exagération est evidente par l'Etat actuel de cette Province.

Il ne nous reste plus qu'à developper à votre Excellence les Sentimens de nos Cœurs, qui sont ceux de tous les Canadiens attachés a la Patrie et au Gouvernement Britannique des Sujets, qui se sont montrés fideles dans des Circonstances non equivoques, ne craindant point de dire la Verité dans ce Moment critique, qui peut être decidera le Sort de cette Province, une Assemblée Provinciale en Canada ne convient point, par les Consequences dangereuses qui en resulteront.

Nous dirons, Milord, avec Confiance à votre Excellence, que l'Abrogation de plusieurs de nos Loix, et l'Alteration quant aux Formes qui souvent, et trop souvent, en ont detruit le Fond trop precipitamment faites depuis le Bill de Quebec, nous ont allarmé, que c'est un des Motifs qui ont engagé les Canadiens à representen aux Pieds du Trône, dans l'Intention seulement de remedier à ces Inconveniens. Voulant éviter de tomber dans le plus grand Malheur, nous osons nous reposer sur la Bienfaisance de votre Excellence, qui nous à si long Temps protégé, et espérer que vous voudrés

voudrés bien vous intéresser auprès de Sa Très Excellente Majesté et Son Auguste Parlement, pour obtenir la Permission de retabliir toutes Abrogations precipitées de nos Loix, et arrêter toutes Alterations ulterieurs et futures. Nous esperons que le Conseil Legislatif, se renfermera à l'avenir dans des Limites strictes, ne publiera en consequence du Onzieme Paragrafe de l'Acte de Quebec, que des Ordonances pour la Police, le Bonheur, et le bon Gouvernement de cette Province, et nefera des Changemens quant aux anciennes Loix, Coûtumes, & Usages, qui pourraient être necessaires suivant les Circonstances qu'avec les plus grands Menagemens, et les Considerations les plus réfléchies.

En demandant une Distinction dans la Dispensation des Emplois, nous n'avons point seulement entendée parler en Faveur des Oposans à la Chambre d'Assemblée, mais en Faveur de tous les Sujets Canadiens en général, qui étant le plus grand Nombre, doivent y être admis proportionnellement avec les anciens Sujets, particulièrement dans la Tribunaux de Justice, & la Chambre du Conseil, où leurs Interêts son journellement discutés.

Vos Suplians ne feroient aucune Attention au Paragrafe repeté dans le Trois Adresses des demandas d'une Chambre d'Assemblée multiplié à Dessein de la Remarque qu'ils y font sur les Signatures des Conseillers et Juges, si par leur Reflexion retenue ils ne paroissent point desà persuadés qu'ils se saisiront, en vertu du Pouvoir d'une Chambre d'Assemblée, de la precieuse Prerogative de la Couronne, de nommer et constituer son conseil, et ses Juges. Ce n'est point, Milord, la Crainte, ni l'Idée d'être destitués, qui les ont engagés à signer l'Adresse du 13 Octobre dernier. Plus ils sont liés à la Province par leur Etât, plus ils ont crû être de leur Devoir de s'oposer à des Projets contraires au Bonheur du País. Si ces Signatures les ont si fort affectés pourquoi cherchent ils a donner à penser, par leur Tableau comparatif, que les Trois Conseillers Canadiens qui n'ont point signé contre la Chambre d'Assemblée font Corps avec eux? Nous osons assurer votre Excellence que malgré le Refus que quelques Considerations particulieres leur a faite faire, ces Trois Messieurs n'y sont pas moins aposés.

Nous nous recomandons, Milord, à la Justice, à l'Equité, et à la profonde Sageffe de votre Excellence et nous vous prions humblement à ce qu'il vous plaise faire telle Rapport à Sa Majesté qui puisse lui faire voir l'Importance de nos Observations pour le Bonheur et la Tranquilité de la Province. Et vos Supplians, reconaissans des Bienfaits que vous avez repandu sur le Peuple Canadien, ne cesserent qu'avec la Vie de prier pour la Conservation de votre Excellence, et de votre respectable Famille.

Quebec,
31st Decembre 1788.

N^o 29.

TRANSLATION of Memorial of new Subjects, 31st December 1788.

To his Excellency the Right Honourable Guy Lord Dorchester, Captain General and Commander in Chief of the Colonies of Quebec, Nova Scotia, New Brunswick, and its Dependencies, Vice Admiral thereof, General and Commander in Chief of His Majesty's Troops in the said Provinces, and in the Island of Newfoundland, &c. &c. &c.

May it please your Excellency,

WE the new Subjects, Citizens of the City and District of Quebec, who signed the most humble Petition to His Most Excellent Majesty the 13th of October of this Year, in Reply to that of some of His Majesty's old and new Subjects, demanding an Assembly of Representatives in this Province, and the Repeal of the Quebec Act, should think we were wanting to ourselves, to those who have joined us in this Petition, and to the Intentions of the Majority of the Canadians, were we not to make some Observations upon those Petitions presented to your Excellency on the First, Fourth, and Fifth of this Month, and published in the Quebec Gazette. More humble than those who drew up those Three Petitions, who pretend to be a Committee, contrary to Law, we shall not dare, my Lord, to assume a Title to which we have no Right. The Season, the Distance of the Parishes, and the short Time we have had to collect the Suffrages previous to the Departure of the Mail, have not permitted us to avail ourselves of this Mode; it will therefore be simply as Individuals and Members of the Canadian Nation that we shall take the Liberty of most humbly offering our present Observations to your Excellency; and we flatter ourselves that we shall succeed better in making your Excellency acquainted with the Intentions of the Majority of the natural Inhabitants of this Country, than those who very illegally stile themselves its Representatives.

The unfounded Assertions and erroneous Calculations contained in those Petitions might meet with Support at a Distance from the Place where they were originally invented, were we to neglect pointing out the Means of removing those Impressions, which otherwise, without Doubt, they might leave on the Minds of those who are but imperfectly acquainted with the Country and its Inhabitants.

The numerous Inhabitants of this Province, happy under a mild Government, and consisting, for the greater Part, of peaceable Cultivators, alike Strangers to the Spirit of Party and to Intrigue, without any direct Taxes upon their Estates, doubt whether they can enjoy a more fortunate State. If some have inclined to Innovations, it was because they believed those
Innovations

Innovations to be the only Remedy for their Complaints, and the only Means of preserving their Laws, their Religion, nay, even the Happiness of the Province, which seemed to be endangered. From this Explanation your Excellency, who has a thorough Knowledge of the Inhabitants of this Country, will see that the Design of innovating in our present System of Legislation comes but from a very small Number, who dislike our Laws, and wish to introduce such as we are Strangers to. And this small Number has gained over those whose Names appear in the Lists which have been presented to your Excellency, who are absolutely ignorant of the real Motives and dangerous Consequences of such Innovations.

It is our Religion, our Laws relative to our Property, and our Personal Surety, in which we are most interested; and these we enjoy in the most ample Manner by the Quebec Bill. We are the more averse to an House of Assembly, from the fatal Consequences which will result from it. Can we, as Roman Catholics, hope to preserve, for any Length of Time, the same Prerogatives as Protestant Subjects in an House of Representatives? And will there not come a Time when the Influence of the latter will overbalance that of our Posterity? In this Case, should we and our Posterity enjoy the same Advantages which our present Constitution secures to us? Again, have we not Reason to dread lest we should soon see those Taxes levied upon the Estates, which are at present actually levied upon Articles of Commerce, which the Inhabitant pays, indirectly it is true, but in Proportion to what he consumes? Shall we not fear that we may one Day see the Seeds of Dissension created by the Assembly of Representatives, and nourished by those intestine Hatreds which the opposite Interests of the old and new Subjects will naturally give Birth to? We will now turn the Weapons of these zealous Partizans of an Assembly of Representatives against themselves, and make use of their own Calculations, in order to demonstrate the Errors of those Assertions with which they support their Addresses.

It is to be observed, that the Petition of the old Subjects, in presenting the exaggerated List of the Revenues of the Thirty-six *Seigneurs*, ancient Subjects, amounting to £. 10,346, seems to insinuate that these Thirty-six *Seigneurs* have given their Sanction to the Address of 1784 for an House of Assembly; whilst, in reality, there are only Fourteen, the most conspicuous of whom have not even signed, and to whose Sanction nevertheless they lay Claim for the Measures which they have adopted.

The Partizans of this Assembly of Representatives feign also their Ignorance of an Address being transmitted to the Foot of the Throne in the Year 1784, entirely averse to an House of Assembly, and that this Address was signed by near Four thousand Persons; and that though in the Second Address of the 13th of October the Signatures of these same Persons do not appear, it is because they were not thought necessary, and that on account of the Distance and of the Season it was sufficient to affix those of the most respectable, and those who were most conveniently situated; it is not therefore Question of Seven hundred and Forty-four Signatures which appear averse to an House of Assembly, but of about Four thousand which have positively signed their Opposition to it, and whose Signatures are in the Possession

Possession of His Majesty's Ministers, which form a striking Difference with the Result of their Calculations.

Neither shall we class amongst the Number of those who are Partizans for an House of Assembly those old and new Subjects who have not petitioned for it; or if, according to their Calculation, we calculate Twenty thousand Eight hundred Fathers of Families, Proprietors of Estates, Canadian Subjects; if in the same Proportion we suppose Two thousand old Subjects; if upon this Total of Twenty-two thousand Eight hundred we deduct the Two thousand Three hundred and Seventy-three Petitioners for an House of Assembly, there will remain at least Twenty thousand Four hundred and Eighty-seven Subjects, of whom Four thousand and more have formally protested against any Project of Reform, after having been made acquainted with it; others have either been ignorant of it, or do not desire any Change, because they are content with the Form of Government, or have refused to sign the Address for an House of Assembly when it was presented to them, because they disapproved of its Design.

The Article of One million Two hundred and Forty-six thousand and Twenty-three Pounds Six Shillings and Eight Pence Sterling, the Whole of the Commerce, almost all of which they assert to be in the Hands of those who have petitioned for an House of Assembly, will serve to shew how little these unfounded Assertions cost those who wish to present Objects in a different Point of View to that in which, in reality, they exist: Shall a small Number of Individuals, Three Fourths of whom are only Labourers or Citizens, and whose Revenues do not certainly exceed the Forty Pounds which they gratuitously would give them, and of whom, amongst others, there are but few Merchants whose Credit is established upon solid Foundations—shall these form that immense and exaggerated Mass, which, in allowing it an Existence which it has not, can only be divided and subdivided into all the Merchants of the Province, the greater Part of whom have never petitioned for an House of Assembly? The Part of the Merchants of Great Britain might be of more Importance if those Gentlemen who do not inhabit the Province had any Right to a Change of the actual System of the Province. This Million and some Hundred Pounds Sterling will not form any Balance in favour of the Demand of an House of Assembly, and can only turn against it, since it is certain that this Sum is dispersed as well amongst the Merchants of this Province, who have petitioned for an House of Assembly, as amongst the Merchants of London, and also amongst those who are averse to an House of Assembly, and again amongst a great Number of those who will neither hear mentioned, nor concern themselves in any Manner with Political Affairs.

RECAPITULATION.

RECAPITULATION.

Petitioners for a Reform.

14	<i>Seigneurs</i> , ancient Subjects, worth, in Manorial Rents and other Revenues, — — —	£. 8,770
13	<i>Seigneurs</i> , new Subjects, worth — — —	5,385
2,346	Old and new Subjects of all Ranks, at £. 40 — — —	93,840
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2,373		£. 107,995
	Pensions and Salaries to be deducted — — —	440
		<hr/>
	Remains — — —	107,555
		<hr/>

At best, therefore, we can only say, that Two thousand Three hundred and Seventy-three Persons, whose Property amounts to One hundred and Seven thousand Five hundred and Fifty-five Pounds, have signed a Petition for an House of Assembly, and for other Objects contained therein, by their Address of 1784: We must nevertheless remark that many of these *Seigneurs*, ancient Subjects, who are placed amongst the Number of those mentioned above, have not signed the Address, and that it is without any Foundation that they assert that they are favorable to it; and that if we deduct their Revenues from that List which regards the *Seigneurs*, ancient Subjects, it will be reduced to a very trifling Sum: That Two of the principal *Seigneurs*, new Subjects, and of considerable Revenue, who were Members of, and at the Head of the Committee of 1784, in Favor of the Petition, appear, since that Period, to have withdrawn themselves from it, without any Cause of *Death* or *Vacancy*. We must also observe that of the Two thousand Three hundred and Forty-six Subjects of all Denominations, whose Revenues are valued at £. 40, an Eighth of this Total has not in reality any Revenue at all, and that the other Seven Eighths are far from possessing the £. 40 which they have so generously given them.

Against a Reform.

51	<i>Seigneurs</i> , worth, in Manorial Rents and other Revenues	10,836
3,949	Subjects of all Denominations, possessing £. 40, who signed the Counter Petition of 1784, as also that of the 13th October last — — —	157,960
4,000		<hr/>
		168,796
	Pensions and Salaries to be deducted — — —	2,745
		<hr/>
	Remains — — —	£. 166,051
		<hr/>

It results that Four thousand Persons, whose Property amounts to £. 166,051, have formally protested against an House of Assembly, and that they exceed in Number the Petitioners for the said House of Assembly, as *Seigneurs*, by Twenty-four Individuals, and as Subjects of all Denominations by 1,603 Individuals, and that their Revenues surpass those of the Reformers by £. 58,496, observing that the 51 protesting *Seigneurs* are only those who signed the Address of the 13th of October last; and that many others who did not sign that Address signed the former One of 1784 as averse to an House of Assembly. Your Petitioners take the Liberty also to represent to your Excellency an Account of the Number and of the Revenues of those who have not sent any Complaints to the Foot of the Throne, nor subscribed any Petition in Favor of a new System, which all the Canadians who are attached to the true Interests of the Province justly dread, from the unhappy Consequences which will result from it.

A List of those who have not heard of the Project for an House of Assembly, or who would not sign the Petition for the said House.

36 <i>Seigneurs</i> , ancient Subjects, possessing, after deducting their Salaries and Pensions	— — —	£.
		13,754
75 <i>Seigneurs</i> , new Subjects, possessing, after deducting their Salaries and Pensions	— — —	12,069
16,316 Subjects of all Denominations, at £. 40	— —	652,640
<hr/>		
16,427		£. 678,463
		<hr/>

If we add to this Calculation the Number of those who are averse to an House of Assembly, there will result from it that 20,427 Fathers of Families, whose Property amounts to £. 844,514, have not petitioned for and are averse to an Assembly of Representatives; and that opposed to them there are only 2,373 Persons, who do not possess more than £. 107,555, who have petitioned for the said Assembly. We do not include the Communities and the Seminaries of Quebec and Montreal, whose Cares and the greater Part of whose Revenues are employed in the Education of a Number of Children, and towards the Support and Comfort of the Sick, and of poor Families, who without their Assistance would sink, the one into Ignorance, and the other into the most frightful Poverty. The List of 4,000 Persons which we have chosen is not perhaps the exact Number of those who are averse to an House of Assembly, since we have not before us the List of the Subscribers to the Counter Address of 1784. We think, nevertheless, that we can assure your Excellency, that they are not under 3,500. And that after adding the Signatures of those who signed the Address of the 13th of last October, we have not exaggerated in estimating the Number of those who are averse to the Measure at 4,000 Persons; and with the more Reason too, since the Signatures of Quebec, affixed to the last Address, do not appear upon that of 1784: It is thus, my Lord, that in order to invalidate the Assertions of those who wish for a Reform, we have made use

of their own Calculations, from which we widely differ, and whose Exaggeration is evident from the actual Situation of this Province. It only remains for us to disclose to your Excellency the Sentiments of our Hearts, which are those also of all those Canadians who are attached to their Country and to His Majesty's Government. Subjects who have preserved their Fidelity amidst the most trying Circumstances will not fear to speak the Truth on this critical Occasion, which will perhaps decide the Fate of this Province; a Provincial Assembly in Canada is not adapted to it, from the dangerous Consequences which would result from it.

We will speak to you, my Lord, with Confidence, and say, that the Repeal of many of our Laws, and the Alteration, as well with respect to the Forms, which too often destroys the Intention, too precipitately made since the Quebec Bill, have alarmed us: That it is one of the Motives which has induced the Canadians to represent at the Foot of the Throne, with the View only of having these Inconveniencies remedied. Desirous to avoid being exposed to the greatest Misfortune, we dare rely upon the Goodness of your Excellency, which has so long protected us, and hope that you will interest yourself with our Most Gracious Sovereign and His August Parliament, in order to obtain Permission to re-establish all precipitate Repeals of our Laws, and to suspend all further Alterations. We hope that the Legislative Council will confine itself for the future within strict Limits, and in Consequence will only publish so much of the Eleventh Article of the Quebec Bill as relates to the Police. The Happiness and the good Government of this Province consists in making only those Changes in the ancient Laws, Customs, and Usages, which may be necessary, according to Circumstances, and which requires at the same Time the greatest Care and the deepest Reflection.

In requiring a Distinction in the Distribution of Employs, we have not solely confined ourselves to those who are averse to an House of Assembly, but in Favour also of all Canadian Subjects in general, who, composing the greater Number, ought to be admitted in Proportion to the old Subjects, particularly in the Tribunals of Justice, and the Council Chamber, where their Interests are every Day discussed.

Your Petitioners would not pay any Attention to a Paragraph repeated in the Three Addresses of those who have petitioned for an House of Assembly, designedly multiplied, of a Remark which they there make upon the Signatures of the Counsellors and Judges, if by their continual Repetition of it they did not seem already persuaded that in Right of this Power of an House of Assembly they shall invest themselves with the sacred Prerogative of the Crown, to name and constitute its Council and its Judges. It is neither, my Lord, the Fear nor the Idea of being abandoned which has induced them to sign the Petition of the 13th of October last. The more they are attached to the Province by their Situation, the more they have thought it their Duty to oppose Projects so contrary to the Happiness of the Country. If they are not alarmed at these Signatures, why do they endeavour to insinuate, by their comparative Description, that the Three Canadian Counsellors who did not sign the Protest against the House of Assembly were of their Party? We dare assure your Excellency, that notwithstanding some particular Considerations which withheld them from signing it, that they are equally inimical to it.

We submit ourselves, my Lord, to the Justice, the Equity, and the profound Wisdom of your Excellency; and we most humbly entreat, that you will be pleased to make such a Relation to His Majesty as may point out to Him the Importance of our Observations to the Happiness and the Tranquillity of the Province: And your Petitioners, grateful for the Blessings which you have conferred upon the Canadian Nation, will not cease, but with their Lives, to pray for the Preservation of your Excellency, and your respectable Family.

Quebec,
31st December 1788.

N° 30.

COPY of the Memorial and Petition of the Subscribers, Merchants, &c. of Quebec and Montreal, 29th October and 2d November, 1789.

A Son Excellence le Très Honorable Guy Lord Dorchester, Capitaine Général et Gouverneur en Chef des Colonies de Quebec, Nouvelle Ecosse, Nouveau Brunswick, et leurs Dépendances, Vice Amiral d'icelles, Général et Commandant en Chef des Troupes de Sa Majesté dans les dites Provinces, et dans l'Isle de Terre-neuve, &c. &c. &c.

Humble Petition des Citoyens de Quebec et de Montreal, assemblés en Comittés, tant pour eux que pour leurs Constituants.

Représentent humblement,

QU'AYANT été informés par M^r Adam Lymburner, leur Agent à Londres, que des Obstacles imprévus avoient retardé, jusqu'à la Session prochaine de Parlement, la Discussion des Affaires de cette Province, ils croyent qu'il est de leur Devoir, pour l'Avancement des Intérêts de leurs Constituants, de représenter a votre Seigneurie qu'ils persévèrent à desirer ardemment la Réforme de la Constitution de cette Province, et avec d'autant plus de Raïson, que les Grièfs qui ont fait naître leurs Plaintes, comme l'Incertitude des Loix, les Decisions contradictoires des Cours de Justice, et la Confusion des Formes dans les Procédures, deviennent de plus en plus manifestes, et prejudiciables aux Intérêts des Sujets de Sa Majesté.

En Conséquence ils supplient votre Seigneurie de recevoir, et communiquer

niquer aux Ministres de Sa Majesté, les Vœux qu'ils font pour la Réussite des Projets de Réforme demandés par leur Adresse du Mois de Novembre 1784, et actuellement soumis à l'Honorable Chambre de Communs, comme étant les Moyens les plus efficaces pour remédier à leurs Maux, et faire prospérer cette Colonie.

C'est avec des Cœurs pénétrés de la plus vive Gratitude qu'ils saisissent cette Occasion pour supplier votre Seigneurie de faire parvenir au Pied du Trône l'Expression de leur Reconnoissance, et celle de leurs Constituans, pour les Secours généreux, en Grains et Farine, que la Bonté Paternelle et la Munificence Royale ont engagé Sa Majesté à faire passer à Quebec, pour prévenir les Dangers et les Calamités d'une Disette, dont cette Province étoit menacée.

Et vos Supplians ne cesseront de prier.

Montréal, 29^{me} Octobre, 1789.

Quebec, 2^d Novembre, 1789.

Signés { P^{re} Guy. Bouthillier.
Dumas. Jn. Delisle.
S^t Martin. P^{re} Foretier,
J. P. Paperieau. H. Perrault.
M^{re} Blondeau.

Signés { L' Germain, A. Pauet.
Fils. J. Baillairge.
L. Duniere. A. Arieux.
Perrault S^t Germain.
L'Ainé. Dufare,
Ch. Pinguet. L. Turgeon,
Père.
L. Descheneaux,
Fils.
Denechaud.

N^o 31.

TRANSLATION.

MEMORIAL and PETITION of the Subscribers, Merchants, &c. of Quebec and Montreal, 29th October and 2d November 1789.

To his Excellency the Right Honourable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunswick, and their Dependencies, Vice Admiral of the same, General and Commander in Chief of all His Majesty's Forces in the said Colonies, and the Island of Newfoundland, &c. &c. &c.

The Memorial and Petition of the Subscribers, Merchants and other Citizens of Quebec and Montreal, in Behalf of themselves and their Constituents;

Humbly Sheweth,

THAT your Memorialists have received Information from Adam Lymbourner, Esquire, their Agent in London, that the Consideration of

the Affairs of this Province have from unforeseen Obstacles been postponed by the King's Ministers till the next Session of Parliament. Whilst your Memorialists regret the Occasions which have retarded the Discussion of their Petition for a Reform in the Constitution of this Province, they beg Leave to state to your Lordship, that the Grievances which originally gave Rise to their Petition and Complaints, do still exist; and that the Inefficacy and Uncertainty of the Laws, the contradictory Decisions of the Courts of Justice thereon, and the Confusion which prevails in the Forms of judicial Proceedings, have become more and more manifest and destructive to the Interests of His Majesty's Subjects.

Your Memorialists, firmly persevering in the Prosecution of the Purposes for which they were originally elected by their Fellow Citizens, humbly intreat your Lordship to receive and communicate to the King's Ministers their unalterable and ardent Wishes for a Reform in the Constitution of the Province, as fully expressed in their Petitions to His Majesty and both Houses of Parliament, dated in November 1784, now before the Honourable House of Commons; which Petitions, in the humble Opinion of your Memorialists, point out the best and most effectual Means of remedying the Evils complained of, and of promoting, at the same Time, the Welfare of the Province, and the Interests of His Majesty's Subjects.

With Hearts penetrated with the most lively Gratitude, your Memorialists supplicate your Lordship to transmit to the Foot of the Throne their most sincere Thanks, and those of their Constituents, for the liberal Supply of Grain and Flour which the King's paternal Goodness and Royal Bounty induced His Majesty to send to the Relief of this Province, at a Time when it was threatened with all the Calamities of a Famine.

And your Petitioners, as in Duty bound, will ever pray, &c. &c.

Montreal, 29th October 1789.

Quebec, 2d November 1789.

Signed,	{	JAMES M'GILL.	JOHN YOUNG.
		JAMES FINLAY.	JAMES JOHNSTON.
		RICHARD DOBIE.	J. BLACKWOOD.
		THOMAS M'CORD.	GEO. ALLSOPP.
		JOHN M'KINDLAY.	JOHN PAINTER.
		JAMES WALKER.	ROBERT LESTER.
		A. AULDJO.	MATHEW LYMBURNER, & Co.
			WM GOODALL.

COPY.

An ORDINANCE for regulating and establishing the Courts of Judicature, Justices of the Peace, Quarter Sessions, Bailiffs, and other Matters relative to the Distribution of Justice in this Province;

By his Excellency James Murray, Esq. Captain General, &c. &c. &c. in Council, this 17th Day of September, in the Fourth Year of His Majesty's Reign, Annoque Domini 1764.

WHEREAS it is highly expedient and necessary for the well governing of His Majesty's good Subjects of the Province of Quebec, and for the speedy and impartial Distribution of Justice among the same, that proper Courts of Judicature, with proper Powers and Authorities, and under proper Regulations, should be established and appointed:

As there are but Two hundred Protestant Subjects in the Province, the græatest Part of which are disbanded Soldiers of little Property and mean Capacities, it is thought unjust to exclude the new Roman Catholic Subjects to sit upon Juries, as such Exclusion would constitute the said Two hundred Protestants perpetual Judges of the Lives and Property of not only Eighty thousand of the new Subjects, but likewise of all the Military in the Province; besides, if the Canadians are not to be admitted on Juries, many will emigrate: This Establishment is therefore no more than a temporary Expedient to keep Things as they are until His Majesty's Pleasure is known on this critical and difficult Point.

His Excellency the Governor, by and with the Advice, Consent, and Assistance of His Majesty's Council, and by virtue of the Power and Authority to him given by His Majesty's Letter Patent, under the Great Seal of Great Britain, hath thought fit to ordain and declare, and his said Excellency, by and with the Advice, Consent, and Assistance aforesaid, doth hereby ordain and declare, that a Superior Court of Judicature, or Court of King's Bench, be established in this Province, to sit and hold Terms in the Town of Quebec Twice in every Year; viz. One to begin on the Twenty-first Day of January, called Hilary Term, the other on the 21st Day of June, called Trinity Term.

In this Court His Majesty's Chief Justice presides, with Power and Authority to hear and determine all Criminal and Civil Causes agreeable to the

We find, which was not at first apprehended, that the Court of Assize proposed to be held at Montreal Twice every Year, will be attended with too much Expence to the Crown, and therefore that Establishment shall be corrected.

The Court of Common Pleas is only for the Canadians; not to admit of such a Court until they can be supposed to know something of our Laws and Methods of procuring Justice in our Courts, would be like sending a Ship to Sea without a Compass; indeed it would be more cruel—the Ship might escape, Chance might drive her into some hospitable Harbour, but the poor Canadians could never shun the Attempts of designing Men, and the Voracity of hungry Practitioners in the Law; they must be undone during the First Months of their Ignorance; if any escaped, their Affections must be alienated and disgusted with our Government and Laws.

It is necessary to observe that the few British Traders living here, of which not above Ten or Twelve have any fixed Property in the Province, are much dissatisfied, because we have admitted the Canadians on Juries; the Reason is evident, their own Consequence is thereby bounded. But the Practitioners in the English Law have probably put them out of Humour with the Court of Common Pleas [which they are pleased

the Laws of England, and to the Ordinances of this Province; and from this Court an Appeal lies to the Governor and Council where the Matter in Contest is above the Value of £. 300 Sterling; and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Contest is of the Value of £. 500 Sterling, or upwards.

In all Trials in this Court all His Majesty's Subjects in this Colony to be admitted on Juries, without any Distinction.

And His Majesty's Chief Justice Once in every Year to hold a Court of Assize and General Gaol Delivery soon after Hilary Term, at the Towns of Montreal and Trois Rivières, for the more easy and convenient Distribution of Justice to His Majesty's Subjects in those distant Parts of the Province.

And whereas an inferior Court of Judicature, or Court of Common Pleas, is also thought necessary and convenient; it is further ordained and declared, by the Authority aforesaid, that an inferior Court of Judicature, or Court of Common Pleas is hereby established, with Power and Authority to determine all Property above the Value of £. 10; with a Liberty of Appeal to either Party to the Superior Court, or Court of King's Bench, where the Matter in Contest is of the Value of £. 20 or upwards.

All Trials in this Court to be by Juries, if demanded by either Party, and this Court to sit and hold Two Terms in every Year, at the Town of Quebec, at the same Time with the Superior Court, or Court of King's Bench. Where the Matter in Contest in this Court is above the Value of £. 300 Sterling, either Party may (if they shall think proper) appeal

to call unconstitutional : We thought it reasonable and necessary to allow Canadian Advocates and Proctors to practise in this Court of Common Pleas] only (for they are not admitted in the other Courts) because we have not yet got One English Barrister or Attorney who understands the French Language.

peal to the Governor and Council immediately, and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Contest is of the Value of £. 500 Sterling, or upwards.

The Judges in this Court are to determine agreeable to Equity, having Regard nevertheless to the Laws of England, as far as the Circumstances and present Situation of Things will admit, until such Time as proper Ordinances for the Information of the People can be established by the Governor and Council, agreeable to the Laws of England.

The French Laws and Customs to be allowed and admitted in all Causes in this Court, between the Natives of this Province, where the Cause of Action arose before the First Day of October 1764.

The First Process of this Court to be an Attachment against the Body.

An Execution to go against the Body, Lands, or Goods of the Defendant.

Canadian Advocates, Proctors, &c. may practise in this Court.

And whereas it is thought highly necessary for the Ease, Convenience, and Happiness of all His Majesty's loving Subjects, that Justices of the Peace should be appointed for the respective Districts of this Province, with Power of determining Property of small Value in a summary Way ; it is therefore further ordained and declared by the Authority aforesaid, and full Power is hereby given and granted to any One of His Majesty's Justices of the Peace within their respective Districts, to hear and finally determine in all Causes or Matters of Property, not exceeding the Sum of Five Pounds Current Money of

Quebec; and to any Two Justices of the Peace within their respective Districts, to hear and finally determine in all Causes or Matters of Property not exceeding the Sum of Ten Pounds said Currency; which Decisions, being within and not exceeding the aforesaid Limitations, shall not be liable to an Appeal: And also full Power is by the Authority aforesaid given and granted to any Three of said Justices of the Peace to be a Quorum, with Power of holding Quarter Sessions in their respective Districts every Three Months, and also to hear and determine all Causes and Matters of Property which shall be above the Sum of Ten Pounds, and not exceeding £.30 Current Money of Quebec; with Liberty of Appeal to either Party, to the Superior Court or Court of King's Bench: And it is hereby ordered, that the aforesaid Justices of the Peace do issue their Warrants, directed to the Captains and other Officers of the Militia in this Province, to be by them executed until the Provost Martial legally authorized by His Majesty shall arrive, and other inferior Officers be appointed for that Purpose; all Officers Civil and Military, or other His Majesty's loving Subjects, are hereby commanded and required to be aiding and assisting to the said Justices and Officers of Militia in the due Execution of their Duty: And it is further ordered and directed by the Authority aforesaid, that Two of the said Justices of the Peace do sit Weekly in Rotation for the better Regulation of the Police, and other Matters and Things, in the Towns of Quebec and Montreal, and that the Names of the Justices who are to sit in each Week be posted up on the Door of the Session House by the Clerk of the Peace, Two Days before their respective

pective Days of fitting, that all Persons may know to whom to apply for Redress.

And whereas there are not at present a sufficient Number of Protestant Subjects resident in the intended District of Trois Rivieres, qualified to be Justices of the Peace, and to hold Quarter Sessions, it is therefore further ordained and declared by the Authority aforesaid, that from henceforth this Province shall be divided into Two Districts, to be known and called by the Names of Quebec and Montreal, for the Time being, and until there may be a competent Number of Persons settled at or near Trois Rivieres, duly qualified to execute the Office of Justices of the Peace, and the Power of holding such Quarter Sessions abovementioned, or until His Majesty's Pleasure be known in that Behalf; and that the said Two Districts be divided and bounded by the River Godfroy on the South, and by the River St. Maurice on the North Side.

And whereas it is thought very expedient and necessary, for the speedy and due Execution of the Laws, and for the Ease and Safety of His Majesty's Subjects, that a sufficient Number of inferior Officers should be appointed in every Parish throughout this Province; it is therefore ordered by the Authority aforesaid, that the Majority of the Householders in each and every Parish do, on the 24th Day of June in every Year, elect and return to the Deputy Secretary, within Fourteen Days after such Election, Six good and sufficient Men to serve as Bailiffs and Sub-Bailiffs in each Parish, out of which Number the King's Governor or Commander in Chief for the Time being, with the Consent of the Council, is to nominate and appoint the Persons who are to act as Bailiffs and Sub-Bailiffs

We called them Bailiffs, because the Word is better understood by the new Subjects than that of Constable.

Sub-Bailiffs in each Parish; and such Nomination or Appointment is to be notified by the Deputy Secretary to the respective Parishes, and also published in the Quebec Gazette, some Time in the last Week in August in every Year; and the Bailiffs and Sub-Bailiffs so nominated as aforesaid are to enter upon and begin to execute their respective Offices on the 29th Day of September in every Year.

No Person to be elected a Second Time to the same Office, except the whole Parish has served round, or that those who have not are laid aside for some material Objection which must be supported by Proof: But that there may never be an entire Set of new Officers at One Time, but that those who remain may be able to instruct those who enter into Office, One of those Persons who have served as Sub-Bailiffs in each Parish, to be elected and nominated Bailiffs of said Parish the ensuing Year.

If a Bailiff dies in his Office, the Governor or Commander in Chief will nominate One of those returned by said Parish to serve as Sub-Bailiffs for the Remainder of the Year; and when a Sub-Bailiff happens to die in Office, the Bailiff shall assemble the Parish upon the next Public Feast Day ensuing his Decease, who shall proceed to elect and return as aforesaid another Sub-Bailiff.

The Election of Bailiffs and Sub-Bailiffs for this present Year to be on the 20th Day of October; their Names to be returned immediately after the Election; their Nomination will be notified and published by the Deputy Secretary as soon as may be, and they shall enter upon and begin to execute their respective Offices, on the First Day of December, but

but all Elections, &c. after this Turn shall be on the Days and Times above mentioned and appointed for that Purpose.

The Bailiffs are to oversee the King's Highways, and the Public Bridges, and see that the same are kept in good and sufficient Repair, to arrest and apprehend all Criminals, against whom they shall have Writs or Warrants, and to guard and conduct them through their respective Parishes, and convey them to such Prisons or Places as the Writ or Warrant shall direct; they are also to examine all Bodies that are exposed, and on whom any Marks of Violence appear, in Presence of Five reputable Householders of the same Parish, whom he is hereby impowered to summons to inspect the same, and report in Writing the State and Circumstances thereof to the next Magistrate, that a further Examination may be made therein if necessary; but this to be done only where the Coroner cannot by any Possibility attend, which in this extensive Province may frequently happen.

Where any Disputes happen concerning the breaking or repairing of Fences, upon Complaint made to the Bailiff, he shall summons the Defendant, who is to chuse Three indifferent Persons, and the Plaintiff Three more, and these Six, the Bailiff presiding, to decide the Dispute; from their Sentence either Party may apply to the Quarter Sessions; the Person found in fault, to pay One Shilling and no more to the Person who shall draw up the Decision.

These Bailiffs to be sworn into their Office by the next Justice of the Peace as soon as may be after
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their Nomination as aforesaid, and the said Oath to be returned to the next Quarter Sessions by such Justice.

Given by his Excellency James Murray, Esquire, Captain General, &c. &c. &c. in Council at Quebec, the 17th September, Annoque Domini 1764, and in the 4th Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c.

N^o 33.

(C O P Y.)

An ORDINANCE to alter and amend an Ordinance of his Excellency the Governor, and His Majesty's Council of this Province, passed the 17th Day of September 1764.

WHEREAS by an Ordinance of his Excellency the Governor, and His Majesty's Council of this Province, made and passed the 17th Day of September 1764, intituled, "An Ordinance for regulating and establishing the Courts of Judicature in this Province," His Majesty has most graciously been pleased to signify His Royal Will and Pleasure therein by an additional Instruction to His said Excellency the Governor, "That the Welfare and Happiness of His loving Subjects in this Province, which will ever be Objects of His Royal Care and Attention, do require that the said Ordinance should be altered and amended in several Provisions of it, which tend to restrain His Canadian Subjects in those Privileges they are entitled to enjoy in common with His natural born Subjects;" and therefore it is His further Royal Will and Pleasure, that it shall be declared, and by his Honour the Lieutenant Governor (the President of His Majesty's Council) by and with the Advice, Consent, and Assistance of His Majesty's Council of this Province, and by the Authority of the same, it is hereby ordained and declared, that all His Majesty's Subjects in the said Province of Quebec, without Distinction, are entitled to be impanelled, and to sit and act as Jurors, in all Causes, Civil and Criminal, cognizable by any of the Courts or Judicatures within the said Province.

And for the more equal and impartial Distribution of Justice, be it further ordained and declared by the Authority aforesaid, that in all Civil Causes or Actions between British-born Subjects and British-born Subjects, the Juries in such Causes or Actions are to be composed of British-born Subjects only; and that in all Causes or Actions between Canadians and Canadians, the Juries are to be composed of Canadians only; and that in all Causes

or

or Actions between British-born Subjects and Canadians, the Juries are to be composed of an equal Number of each, if it be required by either of the Parties in any of the above-mentioned Instances.

And be it further ordained and declared by the Authority aforesaid, that His Majesty's Canadian Subjects shall and are hereby permitted and allowed to practise as Barristers, Advocates, Attornies, and Proctors, in all or any of the Courts within the said Province, under such Regulations as shall be prescribed by the said Courts respectively for Persons in general under those Descriptions.

And be it further ordained and declared by the Authority aforesaid, that this Ordinance shall continue in force until His Majesty's Pleasure be further known herein; and that so much of the said Ordinance of the said 17th of September 1764 as is not hereby altered and changed, shall and is hereby declared to be temporary only.

Given by the Honourable Paulus Æmilius Irving, Esquire, President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant Colonel of His Majesty's Army, at the Castle of St. Lewis, in the City of Quebec, this 1st Day of July, in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord 1766.

(Signed) P. ÆMIL^S IRVING.

By Order of the Commander in
Chief of the Province.

(Counts^d) JAS POTT^S, D. C. C.

N^o 34.

(COPY)

AN ORDINANCE, in Addition to an Ordinance of his Excellency the Governor and Council of this Province, of the 17th September 1764, intituled, "An Ordinance for regulating and establishing the Courts of Judicature in this Province."

WHEREAS it has been often complained of, that there being no more than Two Terms in the Year appointed for holding His Majesty's Supreme Court of Judicature, and Courts of Common Pleas, within this Province, is a Delay in obtaining Justice, and a great Prejudice to the public Credit; for Remedy whereof be it ordained and declared by his Honour the President and Commander in Chief of this Province, by and with the Advice, Consent, and Assistance of His Majesty's Council, and by

by Authority of the same it is hereby ordained and declared, that a new Term is by virtue of this Ordinance established and added to the Two former Terms, called Hilary and Trinity Terms, which said new Term shall be called Michaelmas Term, and shall commence and be held Yearly for the Dispatch of Public Business, in the said Supreme Courts, and Courts of Common Pleas respectively, on every Fifteenth Day of October, with the same Number of Return Days therein as is practised in the said Two other Terms, called Hilary and Trinity Terms, with the same Liberty of appealing from the Judgments therein to be given, and all other Rights and Privileges, as is and are established by an Ordinance of his Excellency the Governor and Council of this Province, of the 17th September 1764, intituled, "An Ordinance for regulating and establishing the Courts of Judicature in this Province," or by any other Ordinance in Addition to or in Amendment or Explanation thereof: And all Writs and Process whatsoever, hereafter to be lawfully and regularly sued out of any of the said Courts, and made returnable the First or any other Return Day of the said Term called Michaelmas, by this Ordinance established, are hereby declared to be good and valid.

Given by the Honourable Paulus Æmilius Irving, Esquire, President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant Colonel of His Majesty's Army, at the Castle of St. Lewis, in the City of Quebec, this 26th Day of July; in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord 1766.

(Signed) P. ÆMI^S IRVING.

By Order of the Commander
in Chief of the Province.

(Counts^d) JA^S POTTS, D. C. C.

N^o 35.

(COPY.)

An ORDINANCE for ratifying and confirming the Decrees of the several Courts of Justice established in the Districts of Quebec, Montreal, and Trois Rivieres, prior to the Establishment of Civil Government throughout this Province, upon the 10th Day of August 1764;

By his Excellency James Murray, Esquire, Captain General, &c. &c. &c. In Council, this 20th Day of September, in the Fourth Year of His Majesty's Reign, Annoque Domini 1764.

WHEREAS upon the Conquest of this Country His Majesty's Commander in Chief of the Forces in America did order and direct Justice to be administered to the Inhabitants thereof by Courts established for

for that Purpose in the several Governments into which this Province was at that Time divided, of which His Majesty, through One of His Secretaries of State, was pleased to signify His Royal Approbation, and to command the same to subsist and continue until Civil Government could with Propriety be settled therein; and, in order to satisfy any Doubts which might arise with regard to the Decisions of the said Courts, and as far as may be to prevent all vexatious Law Suits which might at present or hereafter arise therefrom, his Excellency the Governor, by and with the Advice, Consent, and Assistance of His Majesty's Council, and by virtue of the Power and Authority to him given by His Majesty's Letters Patent, under the Great Seal of Great Britain, hath thought fit to ordain and declare, and his said Excellency, by and with the Advice, Consent, and Assistance aforesaid, doth hereby ordain and declare, that from the 8th Day of September, in the Year 1760, Date of the Capitulation of Montreal, until the 10th Day of August last, from which Time Civil Government took Place throughout this Province, all Orders, Judgments, or Decrees of the Military Council of Quebec, and of all other Courts of Justice in said Government, or in those of Montreal and Trois Rivieres, do stand approved, ratified, and confirmed, and shall have their full Force and Effect, except in such Cases where the Value in Dispute exceeded the Sum of £. 300 Sterling, when either Party may appeal to His Majesty's Governor and Council of the Province, provided such Appeal be lodged with the Clerk or Deputy Clerk of His Majesty's Council of Quebec, within Two Months after the Publication hereof, and sufficient Security is given by the Appellant to pay all such Costs and Charges as shall be awarded thereon if the Decree is affirmed; and from the Governor and Council an Appeal lies to the King and Council, where the Value in Dispute amounted to the Sum of £. 500 Sterling or upwards, the Appellant giving sufficient Security as aforesaid, if the Decree is affirmed.

And it is hereby further ordained and declared, that if before the Publication of the present Ordinance, and since the Establishment of Civil Government throughout the Province, any Person has been arrested, or Process issued upon any Matter already tried before any of the Courts aforesaid, in the several Governments of Quebec, Montreal, and Trois Rivieres, before the 10th Day of August last, the Person so arrested, or against whom such Process has been issued, shall lay their Case in Writing, by Way of Petition, before his Excellency and the Council, together with an attested Copy or Copies of such Decree or Decrees, that Examination being had of the same, if properly founded, the Action may be immediately dismissed, the Parties nevertheless preserving their Right of appealing as aforesaid, where the Value of the Matter so tried shall appear to have exceeded the said Sums of £. 300 Sterling and £. 500 Sterling.

And it is hereby further ordained and declared by the Authority aforesaid, that the Judges, Justices of the Peace, and other Magistrates or Civil Officers of this Province, whom it doth or may concern, upon Application of the several Parties, shall put in Execution all such Orders, Judgments, or Decrees of the said Courts, the same being properly attested, as have not been already executed, saving to the several Parties concerned their Right of Appeal as aforesaid, where the Matter in Dispute exceeded

the above limited Sums of Three hundred Pounds Sterling, and Five hundred Pounds Sterling.

Given by his Excellency James Murray, Esquire, Captain General; &c. &c. &c. In Council; at Quebec, the 20th Day of September, Anno Domini 1764, and in the Fourth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c.

N^o 36.

(COPY.)

An ORDINANCE for amending and explaining an Ordinance of his Excellency the Governor and Council of this Province, made the 20th Day of September last, intituled, “ An Ordinance for ratifying and confirming the Decrees of the several Courts of Justice established in the Districts of Quebec, Montreal, and Trois Rivieres, prior to the Establishment of Civil Government throughout this Province, upon the 10th Day of August 1764;” and for enlarging the Time for lodging Appeals from the Decrees of such Courts therein mentioned.

By his Excellency James Murray, Esquire, Captain General and Governor in Chief of the Province of Quebec, &c. &c. &c. In Council, this 12th Day of November, in the Fifth Year of His Majesty's Reign, An. Dom. 1764.

WHEREAS Doubts may arise about the Manner by which Appeals by the said Ordinance directed to be brought before his Excellency the Governor and Council of this Province, or to the King in Council, may be prosecuted, according to the true Intent and Meaning of the said Ordinance; and also as to what Sum, and to whom, the Security therein mentioned for prosecuting such Appeals ought to be given: For explaining whereof,

His Excellency the Governor, by and with the Advice, Consent, and Assistance of His Majesty's Council of this Province, doth hereby ordain and declare, that if any Person or Persons shall think himself or themselves aggrieved by any Order, Judgment, or Decree of the Military Council of Quebec, or of any other Courts of Justice in the said Government; or of those

those of Montreal or Trois Rivieres, prior to the Establishment of Civil Government throughout this Province in August last, where the Value in Dispute exceeded the Sum of £. 300 Sterling, every such Person or Persons may, by Petition, appeal to his Excellency the Governor and Council, and to no other Court of Judicature of this Province whatsoever, provided that Security be first given by the Appellant to answer such Charges as shall be awarded in case the first Sentence be affirmed; provided also, that such Appeal be lodged with the Clerk or Deputy Clerk of the Council within the Space of Three Months from the publishing hereof: And provided always, that if the Matter in Dispute amounted to the Sum of £. 500 Sterling, or upwards, every Appellant or Person petitioning as aforesaid (in case such Order, Judgment, or Decree of the said Military Courts shall thereupon be affirmed) and within 14 Days thereafter, may in like Manner appeal to His Majesty in Council, upon giving good and sufficient Security effectually to prosecute the same, and answer the Condemnation, as also to pay such Costs and Damages as shall be awarded in case the Sentence of the Governor or Commander in Chief for the Time being, and Council, be affirmed.

Given by his Excellency James Murray, Esquire, Captain General and Governor in Chief of the Province of Quebec, &c. &c. &c. In Council at Quebec, the 12th Day of November, Anno Dom. 1764, and in the Fifth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c.

N^o 37.

(COPY.)

An ORDINANCE for the more effectual Administration of Justice, and for regulating the Courts of Law in this Province.

WHEREAS it has been found by Experience that the several Provisions contained in an Ordinance, bearing Date the Seventeenth Day of September One thousand Seven hundred and Sixty-four, and intituled, amongst other Things, "An Ordinance for regulating and establishing the Courts of Judicature," by virtue of which certain Powers and Authorities are given to the Justices of the Peace for this Province, as well separately as collectively, to hear and determine in Matters of private Property between Party and Party, instead of answering the good Purposes for which they were ordained, have become an intolerable Burthen to the Subject, and proved the Means of great Disquiet, Vexation, and Oppression: It is therefore ordained and declared, by His Excellency the Captain General, and Governor in Chief of this Province, by and with the Advice and Consent

Preamble.

Authority of the Justices in Matters of private Property taken away;

Consent of the Council of the same, That from and after the Day of the Date of the Publication of this Ordinance, all Jurisdiction, Power, and Authority, in Matters of private Property, belonging to or exercised by any Justice or Justices of the Peace for this Province, or any District, Part, or Member of the same, except such as already have procured, or hereafter may procure, a Special Commission for that Purpose, under the Hand and Seal of the Governor, or Commander in Chief for the Time being, shall be clearly annulled, taken away, and determined; and that from and after the Day of the Date of the Publication aforesaid no Justice or Justices of the Peace, except as before excepted, shall have any Power or Authority to hear, examine, or determine any Matter of private Property between Party and Party, or to make, pronounce, or deliver any Judgment, Sentence, Order, and Decree, or to do any judicial Act whatsoever touching the same.

except from such as have or may have a special Commission for that Purpose.

And it is further Ordained and Declared by the Authority aforesaid, That from and after the Day of the Date of the Publication aforesaid the following Clauses or Parts of an Ordinance, bearing Date the Seventeenth Day of September One thousand Seven hundred and Sixty-four, and intituled, amongst other Things, " An Ordinance for regulating and establishing the Courts of Judicature," shall be repealed, and the same are hereby repealed, and absolutely revoked and made void; that is to say, " And whereas it is thought highly necessary for the Ease, Convenience, and Happiness of all His Majesty's loving Subjects, that Justices of the Peace should be appointed for the respective Districts of this Province, with Power of determining Property of small Value in a summary Way; it is therefore further ordained and declared by the Authority aforesaid, and full Power is hereby given and granted to any One of His Majesty's Justices of the Peace, within their respective Districts, to hear and finally determine in all Causes or Matters of Property, not exceeding the Sum of Five Pounds Current Money of Quebec; and to any Two Justices of the Peace within their respective Districts, to hear and finally determine, in all Causes or Matters of Property not exceeding the Sum of Ten Pounds said Currency; which Decisions being within, and not exceeding the aforesaid Limitation, shall not be liable to an Appeal: And also full Power is by the Authority aforesaid given and granted to any Three of the said Justices of the Peace to be a Quorum, with Power of holding Quarter Sessions in their respective Districts every Three Months, and also to hear and determine all Causes and Matters of Property, which shall be above the Sum of Ten Pounds, and not exceeding Thirty Pounds, Current Money of Quebec, with Liberty of Appeal to either Party to the superior Court, or Court of King's Bench;" and all and every other Ordinance or Ordinances, and all and every Article, Clause, or Sentence, in them and every of them, by which any Jurisdiction, Power, or Authority, to hear and determine in Matters of private Property between Party and Party, is given, limited, and appointed to any Justice or Justices of the Peace, for so much as concerneth the same, shall also be repealed, and the same are hereby repealed, and absolutely revoked and made void.

Clauses in the Ordinance of September 1764, repealed;

and all others that give Authority to the Justices to determine Matters of private Property.

Penalty upon the Justices for Disobedience.

And it is further Ordained and Declared by the Authority aforesaid, That from and after the Day of the Date of the Publication aforesaid, if

thorized and required to take Cognizance thereof, and the same to hear, adjudge, and finally determine as to them shall seem just in Law and Equity; any Ordinance or Ordinances, or any Clause, Matter, or Thing, in them or any of them contained, to the contrary hereof in anywise notwithstanding.

Preamble to the Clause for fixing the Court of Common Pleas at Montreal.

Court of Common Pleas at Montreal constituted an independent Court, with original Jurisdiction,

in all Matters arising within the District of Montreal,

in the same Manner as the Court of Common Pleas in Quebec, in all Matters arising within the District of Quebec.

Provido, that both Courts shall have a concurrent Jurisdiction in awarding Writs of Execution.

Where the Defendant has no Lands or Goods within the District where the Cause was tried,

Execution may be awarded into the other District;

And whereas some Inconveniences have arisen from the present Practice of adjourning the Court of Common Pleas from Quebec to Montreal, and from the Want of a fixed, settled, and established Court for the hearing and determining all Matters arising within the District of Montreal, before Judges specially appointed for that District, and constantly residing within the same; It is further Ordained and Declared, by the Authority aforesaid, That from and after the Day of the Date of the Publication of this Ordinance, the Court of Common Pleas, heretofore held by Adjournment at different Days and Times in the Town of Montreal, and considered and taken to be a Part or Member of the Court of Common Pleas established at Quebec, shall be, and it is hereby constituted a Court of Record, with original Jurisdiction of its own, independent of, and no wise connected with the Court of Common Pleas established at Quebec, which Court of Common Pleas for the District of Montreal shall, for the future, be held before Judges constantly residing within the said Town of Montreal, who shall have the same Power and Authority, and the same is hereby given and granted to them to hear and determine within the District of Montreal, and to award Execution, and to do and execute all and every Matter or Thing, touching the Administration of Justice, in as full and ample a Manner as is now or has at any Time been used, practised, or done by the Court of Common Pleas established at Quebec, in and for the District of Quebec: And that from and after the Day of the Date of the Publication aforesaid the said Court of Common Pleas in the Town of Quebec, and the said Court of Common Pleas in the Town of Montreal, shall be taken and adjudged to have each their separate Jurisdictions, independent of and unconnected with each other, that is to say, the said Court of Common Pleas at Quebec, in and over all Matters and Things arising within the District of Quebec and the Court of Common Pleas at Montreal in and over all Matters and Things arising within the District of Montreal.

Provided always, and it is hereby further Ordained and Declared by the Authority aforesaid, that from and after the Day of the Date of the Publication aforesaid, where any Person or Persons, against whom Judgment shall be obtained in either of the said Courts of Common Pleas, shall not have any Lands, Goods, or Effects, wherewith to satisfy the said Judgment, within the Jurisdiction of that Court wherein such Judgment shall have been obtained, but such Person or Persons shall have Lands, Goods, or Effects, within the Jurisdiction of the other Court of Common Pleas, that then and in that Case it shall and may be lawful for the Judge or Judges of the Court of the District in which such Judgment shall have been obtained to award Execution to the Provost Marshal of the District in which such Lands, Goods, or Effects shall be found, who shall, before he proceeds to do any Thing therein, carry the said Writ of Execution to One of the Judges of the Court of the District in which such Lands, Goods, or Effects shall be found, who is hereby authorized and required to indorse the same; which Writ of Execution, being so indorsed

as aforesaid, the said Provost Marshal of the District in which such Lands, Goods, or Effects shall be found, shall proceed to levy the Debt and Costs, and make Return thereof, under his Hand and Seal, to the Judge or Judges of the Court from whence such Writ of Execution was originally awarded; and such Writ of Execution, together with the Return thereof, under the Hand and Seal of the Provost Marshal subscribing the same, shall be by him conveyed, so soon after the making and signing thereof as conveniently may be, to the Provost Marshal of the District from whence such Writ was originally awarded, who is hereby authorized and required to deliver the same into the Court of Common Pleas from whence such Writ was originally awarded, on the First Court Day next after the coming of the said Writ and Return into his Hands; and the Judge or Judges of the said Court of Common Pleas, by whom such Writ of Execution was originally awarded, are hereby authorized and required to receive the same; and the same shall be as valid and effectual, to all Intents and Purposes, as if the Provost Marshal making and subscribing the same had himself been present, and delivered the same into the Court with his own Hands.

and the Return must be made by the Provost Marshal to the Court from whence it was originally awarded;

but it need not be made in Person.

Provided nevertheless, That the Provost Marshal executing the said Writ, and making Return thereof as aforesaid, only shall be answerable as well for the Truth of the said Return, as for any Misbehaviour, Omission, or Neglect in the Manner of executing the said Writ, or making Return thereof before the Judge or Judges of the Court from whence such Writ of Execution was originally awarded, and not before the Judge or Judges of the Court of the District to which he belongs: And in case any Person or Persons against whom such Judgment as aforesaid shall be obtained, not having any Lands, Goods, or Effects within the Province, wherewith to satisfy the said Judgment, shall usually reside without the Jurisdiction of the Court in which such Judgment shall be obtained, or being, at the Time of obtaining the said Judgment, resident within the same, shall alter his or their Place of Residence, and withdraw his or their Person or Persons from the Jurisdiction of the Court in which such Judgment shall have been obtained, it shall and may be lawful for the Judge or Judges of the said Court in which such Judgment shall have been obtained, in all Cases where such Writ may legally issue, to award a Writ or Writs of Capias ad Satisfaciendum to the Provost Marshal of the District in which such Person or Persons shall reside or be found, which Writ or Writs, being so indorsed as aforesaid, the said Provost Marshal of the District in which such Person or Persons shall reside or be found shall proceed to execute the same, and to arrest the Body or Bodies of such Person or Persons, and him or them to convey to the Common Gaol of the District in which such Person or Persons shall be arrested, there to remain till the Debt and Costs are paid, or he or they be otherwise delivered by due Course of Law.

The Provost Marshal executing the Writ, only answerable before the Court of the District which awarded the same.

The same in Writs of Capias ad Satisfaciendum;

and the Defendant to be conveyed to the Gaol of the District in which he is arrested.

And, in order to avoid the Delays and Inconveniencies occasioned by the present Practice of holding the said Courts of Common Pleas at certain fixed Times and Periods, according to the Directions of the aforesaid Ordinance of September One thousand Seven hundred and Sixty-four, and to the Intent that the Judges of the said Courts may be enabled to give

Preamble to the Clause for keeping the Courts open throughout the Year.

give more speedy and effectual Relief in all Cases, as well where the Matter or Thing in Demand shall exceed the Sum of Twelve Pounds, and where it falls short of or is equal to it; it is further Ordained and Declared, by the Authority aforesaid, That from and after the Day of the Date of the Publication of this Ordinance, the said Courts of Common Pleas, as well at Quebec as at Montreal, shall be constantly open to the Suitor, and they are hereby required to be kept open at all Times throughout the Year, except on Sundays, and Three Weeks at Seed Time, a Month at Harvest, and a Fortnight at Christmas and Easter, and except during such Vacation as shall be from Time to Time appointed by the Judges for making their respective Circuits throughout the Province, Twice in every Year; and the Judges of the said Courts are hereby authorized and required to issue their Process, and to do and execute all and every other Matter or Thing touching the Administration of Justice, without Regard to Terms or any stated Periods of Time, as limited and appointed by the Ordinance of September One thousand Seven hundred and Sixty-four, or any other Ordinance, Custom, or Usage whatsoever, all and every of which Ordinance or Ordinances, so far as they relate to the Sitting of the said Courts, or prescribe any Limitations of Time for that Purpose, are hereby annulled, revoked, and made void, in as full and ample a Manner as if they were herein particularly enumerated and set forth.

Courts to sit all the Year,

except Sunday, and other Times of Vacation,

without Regard to Terms, as appointed by the Ordinance of September 1764, or any other Ordinances; all which, as far as they relate to the sitting of the said Courts, are repealed.

The Judges to sit One Day in every Week at their Discretion, for Matters above £ 12;

Provided always, and it is further Ordained and Declared by the Authority aforesaid, That the Judges of the said Courts of Common Pleas, as well in Quebec as Montreal, shall appoint One Day in every Week (except Sunday, or in such Vacations as aforesaid) at their Discretion, for the hearing and determining all Matters wherein the Cause of Action shall exceed the Sum of Twelve Pounds, which Day shall be declared at the rising of the Court on the Court Day next preceding; and no Adjournment of the Court shall be made for any longer Time than One Week, upon any Pretence or Ground whatsoever.

and on every Friday, except in Vacation, for Matters not exceeding £. 12.

Provided also, That Friday in every Week, except it be in such Vacation as aforesaid, shall be always a Court Day, as well in the Town of Quebec as Montreal, for the hearing and determining all Matters wherein the Cause of Action shall not exceed the Sum of Twelve Pounds as aforesaid; on which Day One of the Judges of the said Courts of Common Pleas shall attend, as well at Quebec as at Montreal, for the Dispatch of Business, who is hereby authorized and required to proceed to hear and determine all Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds, in the Absence of the other Judge, such Judge being prevented from attending by Sickness, or any other lawful and reasonable Cause of Excuse; and every Judgment, Sentence, Order, or Decree, given, made, or pronounced, and every Writ of Execution, awarded by such Judge, in Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds as aforesaid, shall be in all Respects as binding and valid as if both the Judges of the said Court had been present, and concurred in giving, making, or pronouncing such Judgment, or in awarding such Writ of Execution.

One Judge sufficient in Matters not exceeding £. 12, the other having a reasonable Cause of Absence.

And, to the Intent that this Part of the Jurisdiction of the said Courts of Common Pleas, which attaches upon Matters where the Value of the Thing

Thing in Demand does not exceed the Sum of Twelve Pounds, and the Manner and Form of proceeding therein may be clearly comprehended, so as to enable the Party, either by himself or his Agent, to prosecute his own Means of Redress with Dispatch, Certainty, and Moderation in Point of Expence; It is further Ordained and Declared, by the Authority aforesaid, That from and after the Day of the Date of the Publication aforesaid, in all Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds Currency, no Process whatsoever shall issue against any Defendant or Defendants, until the Plaintiff or Plaintiffs, or his, her, or their Agent or Agents, shall have first produced and left with, or, being unable to write or read, shall have first procured, from the Clerk of the Court in which such Action is intended to be brought, who is hereby ordered and required to make out the same, a Declaration either in the English or French Language, according to the following Form :

No Process to issue against any Defendant till the Plaintiff has filed his Declaration.

Quebec, }
Montreal, }

Day of

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Form of Declaration.

A. B. Plaintiff.
C. D. Defendant.

The Plaintiff demands of the Defendant the Sum of _____ due to the Plaintiff from the Defendant, for _____ which said Sum, though often demanded, still remains due; therefore the Plaintiff demands Judgment.

Which Declaration, being so produced to and left with, or so as aforesaid made out by the Clerk of the Court in which such Action is intended to be brought, shall be filed by the said Clerk with the other Records of the Court, and the said Clerk shall immediately make out an attested Copy thereof, and upon the Back of such Copy indorse a Summons, to which he shall procure the Name of One of the Judges of the said Court to be set, commanding the Defendant either to pay the Debt and Cofts to the Plaintiff, or else to appear upon some subsequent Court Day, according to the Discretion of the Judge who signs the same, Regard being had to the Distance of the Defendant's Place of Residence, and the Means of Communication therewith, which Summons shall be in the following Form :

Manner of taking out the Summons,

and attesting the same.

To C. D. the Defendant in this Action.

You are hereby commanded and required to pay to the Plaintiff the within named Sum of _____ together with _____ Cofts, or else to be and appear, either in Person or by your Agent, before me, at the Court House of the Town of ^{Quebec,} _{Montreal,} together with your Witnesses, if any you have, on _____ Day of _____ on which Day the Matter of Complaint against you, as contained in the within Declaration, will be heard and finally determined, otherwise Judgment will be given against you, by Default in this Action.

Form of the Summons.

E. F. Judge of the Court of Common Pleas.

And this attested Copy of the Declaration, together with the Writ of Summons, indorsed and signed as aforesaid (for all which the Clerk of the

Fees for the same.

faid Court shall receive from the Plaintiff the Sum of Six Pence, and no more where the original Declaration shall be produced and delivered to him, and the Sum of One Shilling, and no more, where he shall make out the original Declaration himself, at the Request of the Party) shall be delivered to the Plaintiff or Plaintiffs, or his, her, or their Agent or Agents, who shall convey, or cause the same to be conveyed, to One of the Bailiffs of the Parish in which such Defendant resides, who is hereby authorized and required to serve the same upon the Defendant personally, if he can be found, or otherwise upon his Wife, Son, Daughter, Servant, or some other grown Person, at his the said Defendant's Dwelling House, or usual Place of Abode, and at the same Time to shew him, her, or them, the attested Copy of the Declaration, together with the Writ of Summons annexed, under the Hand of the Judge issuing the same, and to acquaint him, her, or them, with the Contents thereof, and to leave a Copy of the same at the said House; and the Bailiff serving such Process as aforesaid, is hereby further authorized and required to attest the said Service at the Foot of the said Writ of Summons, together with the Day and Time of serving the same, according to the following Form:

Manner of serving the same.

Manner in which it shall be attested by the Bailiff.

Form of Attestation of the Service.

I. G. H. Bailiff of the Parish of _____ did on _____ Day of _____ Personally serve the within-named Defendant with the Copy of the Declaration, and Writ of Summons annexed, by shewing him the same, and acquainting him with the Contents thereof, and by leaving a Copy of the same at his House, with _____ the _____ of the said Defendant, such _____ being of the Age of _____ or thereabouts.

Shall be delivered to the Plaintiff, if personally demanded.

Fee of One Shilling to the Bailiff;

to be allowed in Costs,

otherwise to be returned by the Bailiff,

who shall be allowed the Charges.

Defendant not appearing after Service of the Declaration and Summons,

Cause to be heard on the Part of the Plaintiff only.

And this Copy of the Declaration, with the Writ of Summons annexed, and the Certificate of the Service so made by the Bailiff, shall be delivered by him to the Plaintiff, if thereto personally required by the Plaintiff himself, who shall pay the Bailiff, for the Service and Attestation as aforesaid, the Sum of One Shilling, and no more, which Sum of One Shilling, together with the Charges of issuing and returning the said Process, shall be allowed him in his Costs, in case he shall obtain Judgment against the said Defendant in the Action; but in case the said Plaintiff shall not personally demand the Custody of the said Process, after such Service and Attestation as aforesaid, that then the Bailiff so serving and attesting the same shall forthwith return the same to the Court of Common Pleas from whence such Process issued, who shall direct the Costs of returning the same, together with the Fee of One Shilling for the Service and Attestation thereof, to be paid to the said Bailiff by the Defendant, if he shall be condemned in the Suit, or by the Plaintiff, if he shall discontinue the Action, or otherwise fail in the Proof of the Matter contained in his Declaration.

And it is further Ordained and Declared, by the Authority aforesaid, That if any Defendant, after having been duly summoned as aforesaid, shall refuse to pay the said Debt and Costs, and shall not appear, either by himself or Agent, before the Court, at the Time and Place mentioned in the said Writ of Summons, it shall and may be lawful for the Judge or Judges of the said Court, upon View of the Certificate of the said Bailiff as aforesaid, or other due Proof of the Service of the said Writ of Summons in Manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and

and to make such Order, Decree, or Judgment, and to award such reasonable Coſts of Suit, as to him or them ſhall ſeem moſt agreeable to Equity and good Conſcience: And if upon the Day of the Return of ſuch Writ, or on ſuch other Day as ſhall be ſpecially appointed by the Court for the hearing of the Cauſe, the Defendant ſo ſummoned as aforeſaid ſhall appear, either by himſelf or his Agent, and the Plaintiff ſhall not appear, either by himſelf or his Agent, or appearing ſhall not proſecute, or proſecuting ſhall fail in the Proof of the Matter contained in his Declaration, that then upon due Proof that ſuch Defendant was ſerved with ſuch Proceſs, it ſhall and may be lawful for the Judge or Judges of the ſaid Court to diſmiſs the ſaid Defendant, and decree and award him ſuch Coſts as in his or their Diſcretion ſhall ſeem meet, and to award Execution againſt the ſaid Plaintiff for Recovery and levying thereof, in the ſame Manner as other Executions are hereby directed to be awarded againſt the Defendant, where the Plaintiff ſhall obtain Judgment in the Action.

Plaintiff not appearing, or appearing, and not proſecuting or failing in Proof of the Debt,

Defendant ſhall be diſmiſſed and the Plaintiff condemned in Coſts.

Provided always, and it is hereby further Ordained and Declared by the Authority aforeſaid, That no Execution ſhall be awarded againſt any Defendant until the next Court Day after that on which Judgment ſhall be given in the Cauſe, to the Intent that the Party may have Time to ſatisfy ſuch Judgment by paying the Debt and Coſts into the Hands of the Plaintiff or Plaintiffs, or his, her, or their Agent, or to the Clerk of the Court, who is hereby authorized and required to receive the ſame for his, her, or their Uſe, unleſs it ſhall be made appear to the Judge or Judges pronouncing ſuch Judgment that the Defendant or Defendants is or are preparing to leave the Diſtrict, or otherwiſe to defeat the Plaintiff of the Effect of his, her, or their Judgment, in which Caſe it ſhall and may be lawful for the Judge or Judges pronouncing the ſaid Judgment to award Execution immediately; but in Default of ſuch Payment as aforeſaid, that then it ſhall and may be lawful for the Judge or Judges giving ſuch Judgment, on the Friday next enſuing the ſaid Judgment, to award the Execution under his or their Hand and Seal, directed to the Head Bailiff of the Pariſh wherein the Defendant reſides, or to ſome other diſcreet Perſon dwelling in or near the ſaid Pariſh, whom the Judge or Judges ſhall think proper to name for that Purpoſe, and which he or they are hereby authorized and impowered to do, commanding him to levy the Debt and Coſts, together with his Fees for levying and returning the ſaid Writ (which Fee ſhall be expreſſed in the Warrant of Execution) out of the Goods and Chattels belonging to ſuch Defendant only, with an expreſs Exception nevertheleſs therein contained to his, the Party's, Beaſts of the Plough, Implements of Huſbandry, Tools of his Trade, and One Bed and Bedding, unleſs the other Goods and Chattels of ſuch Defendant or Defendants ſhall prove inſufficient, in which Caſe ſuch Beaſts of the Plough, Implements of Huſbandry, and Tools of his Trade, ſhall be ſold, but not the Bed and Bedding; and the ſaid Bailiff or other Perſon, to whom ſuch Writ of Execution ſhall be awarded as aforeſaid, ſhall, before he proceeds to do any Thing therein, give Notice at the Church Door of the Pariſh wherein ſuch Writ is intended to be executed, immediately after Divine Service, both Morning and Evening, on Two ſucceſſive Sundays next after the coming of the ſaid Writ, of the Day and Time appointed for the Sale of the Defendant's Goods, on which Day he ſhall proceed to ſell the ſame to the
highest

Execution not to be awarded, till the Court Day next after giving Judgment,

except the Defendant is about to leave the Diſtrict;

on which Day Execution ſhall be awarded to the Bailiff of the Pariſh where the Defendant reſides, or to ſome other diſcreet Perſon reſiding in or near the ſame;

to be levied out of the Defendant's Goods and Chattels only.

Beaſts of the Plough, Implements of Huſbandry, Tools of Trade, and One Bed and Bedding not to be ſold, unleſs there are no other Goods, and even then the Bed and Bedding not to be ſold.

Bailiff to give Notice for Two Sundays before he proceeds to the Sale of the Defendant's Goods.

Other Directions touching the Sale.

If Defendant's Goods and Chattels not sufficient to satisfy the Execution,

Bailiff to enquire of his Lands,

and to return the Quantity and Condition of them, whether Arable or Grass Land usually reserved for Hay :

If any such, the Court to issue another Writ, directing the Bailiff to enter upon the Lands at the Time of reaping or mowing, and to set apart so much as will be sufficient to satisfy the Debt and Costs ; and to sell the same upon the Land, retaining the Overplus.

Penalty for obstructing the Bailiff in the Execution of his Writ.

Judges empowered to order the Debt to be levied by Installments,

highest Bidder, and for the most Money he can get, till he shall have raised sufficient to discharge the Whole of the said Writ of Execution, after which, if any Goods remain in Execution, the same shall be immediately restored to the Defendant ; and in case the Defendant or Defendants, against whom such Writ of Execution as aforesaid shall be awarded, shall not have Goods or Chattels sufficient to satisfy the said Writ of Execution, either in the Whole or in Part, that then the Bailiff, or other Person as aforesaid authorized, shall enquire whether the said Defendant or Defendants hath or have any Lands in his or their Possession or Occupation, or in the Hands of any other Person in Trust for him or them, lying within the Parish wherein such Defendant or Defendants shall reside, or elsewhere within the Jurisdiction of the Court from whence such Writ of Execution shall be awarded ; and if the said Bailiff, or other Person so as aforesaid authorized ; shall be fully informed and satisfied that such Defendant or Defendants hath or have any Lands as aforesaid, such Bailiff, or other Person so as aforesaid authorized, is hereby required to make Return thereof upon the Back of the Writ, specifying the Extent and Quality of the same, and particularly if any Part thereof be Land usually sowed with Corn, or Meadow Land reserved for Hay, and upon such Return it shall and may be lawful for the Judge or Judges of the Court from whence such Writ issued, to issue another Writ to the Bailiff of the Parish in which such Lands lie, or to some other discreet Person, residing in or near the same, commanding him to enter upon such Arable or Meadow Land belonging to such Defendant or Defendants, at the proper Season immediately after the reaping or mowing the same, and before any Part of the Produce thereof shall be removed and carried off, and of such Produce, whether of Corn or Hay, to set apart so much as in his Discretion he shall think sufficient to discharge the Whole of the Writ so to him directed, and the same to sell upon the Land for the most Money that he can get, leaving the Overplus, if any there be, upon the Land, for the Use of the Defendant or Defendants.

And it is further Ordained and Declared by the Authority aforesaid, that if any Defendant or Defendants, or any Person or Persons by his or their Direction, after Notice to him or them of the coming of such Bailiff or other Person as aforesaid upon the Land (which Notice he is hereby required to give) shall make any Resistance, or prevent his coming upon the Land to execute the Writ, or otherwise disturb him in the Execution of it, or shall remove or carry away all or any of the Parcels of Corn or Hay, so as aforesaid set off, without having first satisfied the Whole of the said Writ of Execution, he or they so offending shall pay and forfeit, over and above the Sum so commanded to be levied, the Sum of Ten Pounds Currency of this Province, to be recovered in a summary Way, before One of the Judges of the Court issuing the said Writ of Execution, by the Person against whom such Offence shall have been committed, or any other Person who shall sue for the same.

Provided also, and it is hereby further Ordained and Declared by the Authority aforesaid, That it shall and may be lawful for any Judge or Judges issuing any Writ of Execution in Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds as aforesaid, upon due Proof before him or them made of the distressed Circumstances of the Defendant or Defendants

pendants in the Action to indorse upon the same his or their Order to the Bailiff, or other Person as aforesaid, commanding him to levy and raise the same by Installments, in such Proportions, and at such Days and Times, as to him or them shall seem meet.

Provided nevertheless, That the Whole of the Time so allowed and given shall not exceed the Space of Three Months from the Day of the Date of the issuing such Writ of Execution; and provided also, that if it shall appear, upon due Proof thereof made before such Judge or Judges issuing such Execution as aforesaid, that the Defendant or Defendants hath or have, at any Time after the Service of the Declaration and Writ of Summons as aforesaid, conveyed away or secreted all or any Part of his or their Goods or Effects, in order to defeat the Plaintiff or Plaintiffs of his, her, or their Demand, that then and in such Case it shall may be lawful to and for the said Judge or Judges immediately to award a Writ of Execution against the Body or Bodies of the said Defendant or Defendants, directed to the Bailiff or other Person as aforesaid, commanding him to arrest the said Defendant or Defendants, and him or them to convey to the common Gaol of the District, there to remain till such Debt and Costs be fully satisfied, or other Order be made by the said Court for his or their Deliverance.

so as the whole Time does not exceed Three Months from the Time of awarding the Writ of Execution. If Defendant convey away or secretes his Effects, Court may award a Writ of Capias ad Satisfaciendum.

And whereas it may be of still further Utility and Convenience, and the Means of extending the Benefit of these Regulations more generally throughout the Province, to constitute and appoint other Jurisdictions, by which Disputes of a still inferior Nature may be terminated, as well in the Towns of Quebec and Montreal, as in other Parts of the Province remote from the Courts of Justice; It is further Ordained and Declared by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, as well within the Towns of Quebec and Montreal, as in other remote Parts of the Province, being thereto specially appointed by Commission under the Hand and Seal of the Governor or Commander in Chief for the Time being, to hear and determine, and also to award Execution in all Causes where the Matter in Question shall not exceed the Sum of Three Pounds Current Money of this Province, so as the Title of Lands be not drawn in Question in any such Proceedings, in as full and ample Manner as any Judge or Judges of either of the Courts of Common Pleas are hereby authorized and empowered to do in Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds as aforesaid, any Thing to the contrary hereof in this Ordinance notwithstanding; and the Person or Persons so as aforesaid appointed by Commission, as well in the Towns of Quebec and Montreal, as elsewhere within the Province, are hereby authorized and commanded, in the Execution of the Powers to them entrusted, of hearing, determining, and awarding as aforesaid, to keep and observe all the Rules and Regulations herein prescribed, limited, and directed, to the Judge or Judges of the Courts of Common Pleas, in the Exercise of their Jurisdiction, in Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds, and to conform to the same, both in their Judgments and Process, as fully and perfectly as if the same were herein particularly again set forth at large and enjoined; and all Bailiffs of Parishes, or other Persons to whom any Writs of Summons, Warrants of Execution, or any other Process whatsoever, in Matters where the Cause

Preamble to the Clause for empowering Justices to determine Matters to the Value of £. 3.

Their Authority under Special Commission.

Titles of Lands not to be drawn in Question in their Proceedings.

Persons so authorized by Commission to observe the same Forms in their Proceedings as the Judges of the Courts of Common Pleas in Causes not exceeding £. 12.

Bailiff and other Persons required to pay due Obedience to their Process.

of Action shall not exceed the Sum of Three Pounds as aforesaid, shall be directed by any Person or Persons so appointed as aforesaid, are hereby authorized and required to pay due Obedience to the same, and cause the same to be executed, and Returns thereof to be made to the Person or Persons so appointed, issuing the same, as they would do or make to any Judge or Judges of the Courts of Common Pleas, if such Process had issued from him or them; provided that such Person or Persons as shall be appointed for this Purpose within the Towns of Quebec and Montreal shall not sit or hold any Court for the hearing and determining Matters within their Jurisdiction on any Friday, but on some other Day in every Week, according to their Discretion, other than Friday, or in such Vacation as aforesaid.

Not to sit on any Friday, but on some other Day in every Week.

Preamble to the Clause for altering the present Method of selling Real Property under Execution.

And whereas great and manifold Inconveniences and Losses have arisen to the Proprietors of Real Estates in this Province, by having their Houses and Lands taken in Execution and exposed to Sale for the Payment of small Debts, and also from the hasty and informal Method of setting the same to Sale, even in Cases where the Extent of the Judgment will admit of no other Satisfaction; It is further Ordained and Declared by the Authority aforesaid, That from and after the Day of the Date of the Publication of this Ordinance, no Process whatsoever shall be awarded for the Sale of any House or Houses, Land or Lands, Tenement or Tenements, upon any Judgment or Judgments, where the original Cause of Action shall not exceed the Sum of Twelve Pounds Current Money of this Province; and that from and after the Day of the Date of the Publication aforesaid, no Houses, Lands, or Tenements, taken in Execution upon any Judgment or Judgments obtained in His Majesty's Supreme Court of Judicature for this Province, or upon any Judgment or Judgments obtained out of the Courts of Common Pleas in Quebec or Montreal, shall be extended or sold by the Provost Marshal, or any Person whatsoever, unless the Personal Property of the Defendant or Defendants in the Action shall be found insufficient.

No Execution against Houses or Lands, where the Cause of Action does not exceed £. 12.

Nor any House or Land to be sold but in Default of Personal Property.

Direction to the Provost Marshal touching the Sale of Real Estates.

And it is further Ordained and Declared by the Authority aforesaid, That upon the issuing of any Writ of Execution for the Sale of any Houses or Lands, or so soon after as may be, the Provost Marshal of the District in which such Houses or Lands shall lie or be shall cause the same to be advertised in the Quebec Gazette, both in the English and French, and therein set forth, as near as may be, the Quantity and Condition of such Houses and Lands, together with the Terms and the Day of Sale, which Day of Sale shall not be till Six Months after such Publication, and at the same Time, or so soon after as conveniently may be, he shall also cause a true Copy of the said Advertisement, both in English and French, to be sent to the Head Bailiff of the Parish where such Houses or Lands shall lie or be, who is hereby ordered and required to fix the same upon the Door of such Parish Church, and to re-place the same, so often as it shall be removed, defaced, or rendered illegible by Time or Accident, and also to publish and declare the Contents thereof every Sunday at the Door of the said Church immediately after Divine Service, both in the Morning and Afternoon, that the same may be fully known and understood by the Inhabitants thereof, for which the said Bailiff shall receive, out of the Produce arising from the Sale,

Notice.

No Sale till Six Months after Notice.

But if to publish the Sale also.

Sale, the Sum of One Spanish Dollar, to be paid by the Provost Marshal, and allowed in his Accounts.

Fees of the Bailiff for such Publication.

Provided always, and it is hereby, and by the Authority aforesaid, further Ordained and Declared, That from and after the Day of the Date of the Publication aforesaid all Houses and Lands against which any Writ or Writs of Execution shall be awarded for the Sale of the same, shall be taken to be, and they are hereby, and by the Authority aforesaid, declared to be obliged and bound in Law to pay and satisfy all and every Judgment or Judgments, which shall and may be obtained against the Owners and Proprietors thereof, from the Day on which such Judgment or Judgments shall be pronounced or given; and that no Mortgage, Sale, or Assignment, or any Deed of Conveyance, or any Disposition without Deed whatsoever, howsoever, or to whomsoever, made after the Day on which such Judgment or Judgments shall be pronounced or given as aforesaid, shall defeat, avoid, suspend, or delay the Force and Operation of such Judgment or Judgments; but all and every such Mortgage, Sale, Assignment, Deed, and Disposition, shall be taken to be, and all and every of them are and is hereby declared to be fraudulent, as against the said Judgment Creditor or Creditors, and to have no Validity, Power, Operation, or Effect whatsoever, to the Prejudice of such Judgment Creditor or Creditors.

All Estates bound from the Day of the Judgment;

and no Conveyance or Disposition good after the Date of such Judgment.

And lastly, it is further Ordained and Declared by the Authority aforesaid, That all Judges and other Persons authorized to administer Justice, issuing any Writ of Execution, as well where the Cause of Action shall exceed the Sum of Twelve Pounds as aforesaid, as where it falls short of, or is equal to that Sum, shall and they are hereby authorized and required to mark upon such Writ of Execution the Day on which Judgment was given in the Cause, and if Two or more Writs of Execution shall be issued upon Judgment given the same Day, against the same Defendant or Defendants, and so marked upon the Writs, such Executions shall have the same Privilege, and be satisfied in the same Proportions, and the Provost Marshal, Bailiff, or other Person, to whom such Writs of Execution shall be awarded, receiving the same, is hereby authorized and commanded, after the Sale of the Whole of such Defendant or Defendants Real and Personal Estate, where the said Writs shall be awarded against both, in case the same should not be sufficient to satisfy the Whole of the said Judgments, to pay over and divide the Neat Produce of such Sale or Sales, after deducting his own Costs and Charges, amongst the several Plaintiffs, in Proportion to the Amount of their respective Judgments.

Judges to mark on the Writ of Execution the Day of signing the Judgment;

and in case of Two or more Executions against the same Defendant on the same Day, to be satisfied in equal Proportions.

(Signed) GUY CARLETON.

Given by his Excellency Guy Carleton, Captain General and Governor in Chief in and over the Province of Quebec, Vice Admiral of the same, and Brigadier General of His Majesty's Forces, &c. &c. in Council at the Castle of St. Lewis, in the City of Quebec, in the said Province, and passed under the Great Seal of the said Province on the First Day of February, in the Tenth Year of His Majesty's Reign, and in the Year of Our Lord One thousand Seven hundred and Seventy.

By his Excellency's Command,
(Signed) GEO. ALLSOPP, D. C. C.

(COPY.)

C A P. II.

An ORDINANCE to regulate the Proceedings in the Courts of Civil Judicature in the Province of Quebec.

Preamble.

WHEREAS it is necessary for the Ease and Convenience of His Majesty's Subjects who may have Actions to prosecute in the Courts of Civil Judicature established in this Province, that the Mode of administering Justice in the said Courts should be clearly ascertained, and rendered as plain as possible; It is therefore Ordained and Enacted by his Excellency the Captain General and Governour in Chief of this Province, by and with the Advice and Consent of the Legislative Council of the same, That

Manner of proceeding in Actions above the Value of £. 10 Sterling.

Art. 1. In all Cases or Matters of Property, exceeding the Sum or Value of £. 10 Sterling, upon a Declaration presented to any One of the Judges of the Courts of Common Pleas, by any Person, setting forth the Grounds of his Complaint against a Defendant, and praying an Order to compel him to appear and answer thereto, such Judge shall be, and hereby is empowered and required in his separate District to grant a Writ of Summons in the Language of the Defendant, issuing forth in His Majesty's Name, tested and signed by one of the Judges, and directed to the Sheriff of the District, to summon the Defendant to appear and answer the Plaintiff's Declaration on some certain future Day, Regard being had to the Distance of the Defendant's Abode from the Place where the Court sits; but if the Judges, or any Two of them, are satisfied, by the Affidavit of the Plaintiff, or otherwise, that the Defendant is indebted to him, and on the Point of leaving the Province, whereby the Plaintiff might be deprived of his Remedy against him; it shall be lawful for the said Judges, or any Two of them, to grant an Attachment against the Body of such Defendant, and hold him to Bail, and for Want of Bail to commit him to Prison until the Determination of the Action against him; The Declaration shall in all Cases accompany the Writ, and the Plaintiff shall not be permitted to amend it until the Defendant shall have answered the Matter therein contained, nor afterwards, without paying such reasonable Costs as the Court may ascertain.

Suing out the Summons.

Attachment against the Body where a Debtor is going to leave the Province.

Declaration to accompany the Writ.

Service thereof.

Art. 2. Copies both of the Writ of Summons, and the Declaration, shall be served on the Defendant personally, or left at his House with some grown Person there, otherwise the Service shall be deemed insufficient.

If Defendant does not appear,

Art. 3. If on the Day of the Return of the Writ of Summons the Defendant does not appear in Person, or by Attorney (Proof of such Service being produced or made in Court) the Plaintiff shall obtain a Default against the Defendant; and if on calling over the Action in the next Weekly Court Day the Defendant should still neglect to appear, without any good Reason for such his Neglect, the Court, after hearing and receiving sufficient Proof of the Plaintiff's Demand, shall cause their final Judgment

to be entered against the Defendant, and shall award such Coſts thereupon as they ſhall think reaſonable, and iſſue ſuch Execution as the Law, according to the Nature of the Caſe, may direct.

Judgment to be entered.

Art. 4. If the Defendant appears at the Return of the Writ of Summons, or, having made Default on that Day, pays ſuch Coſts as the Court may think reaſonable, and appears on the next Weekly Court Day after ſuch Return, he ſhall, either then, or on ſuch other Day as he may obtain from the Court, make his Answer to the Declaration, either in Writing or verbally, as he thinks fit, provided that if his Answer is verbal the Clerk of the Court ſhall take down the Subſtance thereof in Writing, and preſerve the ſame amongſt the Records of the Court. If the Plaintiff does not appear, or appearing does not proſecute his Action, the ſame ſhall be diſmiſſed with Coſts.

If Defendant appears, he is to answer the Declaration.

Art. 5. If upon the Declaration and Answer, or ſuch further Pleadings as the Court may, if it thinks proper, permit or direct, the Parties ſhall appear to differ eſſentially in their State of Facts, the Court ſhall aſcertain and order the Clerk to take down, in Writing, ſuch Facts, material to the Deciſion of the Cauſe as it will proceed to receive Proof upon, and appoint a Day for hearing and receiving ſuch Proofs as the Parties ſhall think proper to produce.

If the Plaintiff does not attend, the Action to be diſmiſſed with Coſts.

If the Parties differ in their State of Facts, Court ſhall aſcertain the Facts neceſſary to be proved.

Art. 6. In all Caſes where Witneſſes are produced they ſhall be examined and croſs examined, viva voce, in open Court, unleſs ſome good Reaſon is ſhewn to the Judges for departing from this Rule in particular Caſes: The Examinations of the Witneſſes ſhall be taken down in Writing by the Clerk, and filed among the Records of the Court.

Manner of examining Witneſſes; their Examinations to be taken down in Writing.

Art. 7. In the Proof of all Facts concerning Commercial Matters, Recourſe ſhall be had, in all the Courts of Civil Jurisdiction in the Province, to the Rules of Evidence laid down by the Engliſh Laws.

Engliſh Rules of Evidence adopted in Commercial Caſes.

Art. 8. The Party meaning to appeal from any Sentence or Judgment of any of the Courts of Common Pleas, ſhall ſue out a Writ from the Court of Appeals, teſted and ſigned by the Governor, Lieutenant Governor, or Chief Juſtice, ſtating that the Appellant complains of being aggrieved by the Judgment, and therefore commanding the Judges of the inferior Court, or any Two of them, to ſend up the original Papers and Proceedings in the Cauſe, and Transcripts of all Rules, Orders, and Proceedings found in the Records or Registers of the Court concerning the ſame; ſuch Writ, when preſented to any of the Judges of the Court below, ſhall be allowed by him, if the Appellant has given the requiſite Security, and when allowed the Clerk of the Court ſhall proceed to comply with the Order of the Writ, and the Judges, or any Two of them, ſhall make their Return againſt the Return Day thereof.

Of Appeals. Party appealing to ſue out a Writ, commanding the Judges to ſend up the Record.

Art. 9. If the Appellant does not, within Eight Days after the Return of the ſaid Writ, and the Transmission of the Proceedings, file his Reaſons of Appeal, the Appellee ſhall obtain a Rule or Order, that unleſs the Appellant's Reaſons of Appeal are filed in Four Days, the Appeal will be diſmiſſed; and if the ſaid Reaſons of Appeal are not filed within Four Days after Service of

The Appellant to file his Reaſons of Appeal in Eight Days.

the said Rule on the Appellant or his Agent, the Appeal shall accordingly be dismissed with Costs.

Appellee to file his Answers in Eight Days.

Art. 10. Within Eight Days after the Reasons of Appeal are filed, the Appellee shall file his Answers thereto, or if he neglects so to do the Appellant shall obtain a Rule or Order, that unless the Appellee file his Answers within Four Days he will be precluded from filing them after that Period; and if his Answers are not filed within Four Days after Service of such Rule on the Appellee or his Agent, he shall accordingly be precluded from filing them, and the Court will proceed to hear the Cause on the Part of the Appellant, and proceed to Judgment therein, without the Intervention of the Appellee.

The Court, on good Cause shewn, to prolong the Times above allowed.

Art. 11. The said Court of Appeals nevertheless shall and may, upon Application made, and good Cause shewn by either of the Parties (Notice being given the other) prolong the Time allowed for filing either the Reasons of Appeal or Answers thereto; and in case the Court shall not be sitting at the Time when such Reasons or Answers ought regularly to be filed, the Party neglecting shall apply to the Court, at the next Sitting thereof, and shew his Reasons for such his Neglect; and if the Court finds them insufficient, it will, as the Case may be, either dismiss the Appeal, or proceed to hear it without the Intervention of the Appellee, as above directed.

Day to be fixed for hearing the Cause.

Art. 12. When the Reasons of Appeal, and Answers thereto, are filed, the Court shall, on the Application of either of the Parties, fix on such convenient Day for the hearing of the Cause as to it may seem proper.

In Fifteen Days after Judgment, Execut on to issue in case the Writ of Appeal be not allowed. No Appeal allowed after a Year from the Date of the Judgment.

Art. 13. If the Writ of Appeal is not allowed by One of the Judges of the Court below, and a Copy thereof served on the Appellee or his Agent, within Fifteen Days after any Judgment given in the Court of Common Pleas, Execution shall issue, and no Appeal shall be allowed or received from the Court of Common Pleas after the Expiration of One Year from the Date of the Judgment of such Court.

Of Executions. Nature of the Writ of Executions.

Art. 14. The Executions sued out from any of the Courts of Civil Jurisdiction shall be a Writ issuing in the King's Name, tested and signed, when issuing from the Court of Appeals, either by the Governor, Lieutenant Governor, or Chief Justice, and when issuing from the Court of Common Pleas, by One of the Judges of the Court for the District in which it is given, directed to the Sheriff of the District, setting forth the Judgment of the Court between the Parties, and the Kind of Execution which the Law, according as the Case may be, shall direct, whether the same be to take the Body, or to levy a Sum of Money out of any One's Goods and Chattels, Lands and Tenements, or to do any special Matter or Thing whatever; the Date of the Judgment shall be indorfed on every Writ of Execution, and that Indorsement signed by the Judge.

Personals to be first disposed of; and if insufficient, Real Estate to be sold.

Art. 15. In all Cases where Executions shall issue against Real and Personal Estates, the Sheriff shall first dispose of the Personal Property, and if the Proceeds thereof fall short of the Amount of the Judgment, the Real Estate, or so much thereof as will produce the Amount, shall be sold for that Purpose.

Art. 16. Where Moveables shall be seized by the Sheriff under an Execution, he shall cause the Seizure to be published at the Church Door of the Parish, immediately after Divine Service, on the First Sunday succeeding such Seizure, and at the same Time cause to be proclaimed the Day and Place when and where he means to proceed to the Sale thereof, provided that the Place of Sale shall be in the same Parish in which the Seizure is made.

Manner of selling Personals.

Art. 17. When Lands and Tenements shall be seized by the Sheriff under a Writ of Execution, he shall advertise the Sale thereof Three several Times in the Quebec Gazette, to be on some certain Day after the Expiration of Four Months from the Date of the First Advertisement, and proclaim the said Sale at the Church Door of the Parish in which the Premises are situated, immediately after Divine Service, on the Three Sundays next preceding the same, and cause a Copy of the said Advertisement to be fixed on the Door of the Parish Church.

Manner of selling Real Property.

Art. 18. If Two or more Writs of Execution shall be issued upon Judgments given the same Day against the same Defendant or Defendants, and so marked on the Writs, such Executions shall have the same Privilege, and be satisfied in the same Proportions, and the Sheriff or other Person to whom such Writs of Execution shall be awarded, receiving the same, is hereby authorized and commanded, after the Sale of the Whole of such Defendant's Real and Personal Estate, where the Writ shall be awarded against both, in case the same should not be sufficient to satisfy the Whole of such Judgments, to pay over and divide the Nett Produce of such Sale or Sales, after deducting his own Costs and Charges, amongst the several Plaintiffs, in Proportion to the Amount of their respective Judgments.

When Two or more Writs of Execution issue upon Judgments given the same Day, they are to be satisfied in the same Proportions.

Art. 19. On every Execution the Sheriff shall be allowed all his Disbursements, and shall be authorized to charge over and above at the Rate of Two and an Half per Centum, to be deducted out of the Money he levies.

Allowance to the Sheriff.

Art. XX.

Proceedings in Actions under £. 10 Sterling.

IN Matters either not exceeding or under Ten Pounds Sterling, any Person having a Right of Action against another, shall prepare, or procure from the Clerk of the Court of Common Pleas, a Declaration in the following Form, viz.

“ Quebec, } Day of 17 A. B. Plaintiff. C. D. De-
“ Montreal, }
“ fendant.—The Plaintiff demands of the Defendant the Sum of
“ due to the Plaintiff from the Defendant, for which said Sum,
“ though often demanded, still remains due, therefore the Plaintiff prays
“ Judgment.”

This Declaration shall be filed by the Clerk, who shall make a Copy thereof,

thereof, and at the Foot of such Copy write out a Summons in the Language of the Defendant in the following Form; viz.

“ To C. D. the Defendant in the above Action.—You are hereby com-
 “ manded and required to pay the Plaintiff A. B. the above-mentioned
 “ Sum of _____ together with _____ Cofts, or else to appear
 “ in Person, or by your Agent, before me, at the Court House in the City of
 “ ^{Quebec,}_{Montreal,} together with your Witnessses, if you have any, on the
 “ Day of _____ when the Matter of Complaint against you, as af-
 “ certained in the above Declaration, will be heard and finally determined,
 “ otherwise Judgment will be given against you by Default.—E. F.
 “ Judge of the Court of Common Pleas.”

This Summons shall be signed by One of the Judges of the Court, and a Copy thereof, and of the Declaration, served on the Defendant personally, or left at his Dwelling House or ordinary Place of Residence, with some grown Person there; and the Person serving the same shall inform the Defendant, or such grown Person, of the Contents thereof. If, at the Time mentioned in the Summons, the Defendant does not appear (Proof of the Service thereof being produced in Court) the Judges, or any One of them, shall hear the Cause on the Part of the Plaintiff, and make such Order, Decree, or Judgment, and award, such reasonable Cofts of Suit, as to them or him shall appear agreeable to Equity and good Conscience; but if the Defendant does not appear by himself, or his Agent, and the Plaintiff, or his Agent, does not appear, or appearing does not prosecute, or prosecuting, fails in his Action, the Judge or Judges shall dismiss the Defendant with Cofts. If the Plaintiff makes good his Charge against the Defendant, the Judge or Judges shall give Judgment accordingly, and award Cofts and Execution, but the Execution shall not issue till the next Court Day after Judgment given; the Execution shall go against the Moveables only of the Defendant, which shall be seized by some Person to be for that Purpose appointed by the Court, and sold by him in the Manner mentioned in the Sixteenth Article of this Ordinance. But the Execution shall contain an Exception of the Party's Beasts of the Plough, Implements of Husbandry, Tools of his Trade, and One Bed and Bedding, unless his other Goods and Chattels should prove insufficient, in which Case such Beasts of the Plough, Implements of Husbandry, and Tools of his Trade, shall be sold, but not the Bed and Bedding. The Judge or Judges may, if they think proper, order the Debt to be levied by Installments, provided the Time allowed shall not exceed the Space of Three Months from the Day of issuing the Execution.

Art. XXI.

In Matters, as well above as of or under the Value of Ten Pounds Sterling, if the Defendant shall convey away or secrete his Effects, an Execution shall go against his Person, to be taken and detained in Prison until he satisfies the Judgment.

Art. XXII.

For the Satisfaction of all Judgments given in Commercial Matters between

between Merchants, as well as of all Debts due to Merchants for Goods, Wares, and Merchandizes, by them sold, Execution shall issue not only against the Goods, Chattels, Lands, and Tenements of the Defendant, but also, in case they shall not produce the Amount of the Plaintiff's Demand, against his Person, to be taken and conveyed into the Prison of the District, and there detained until he pays the Amount of the Judgment, or otherwise settles with and satisfies the Plaintiff: Provided, That if the Defendant, after remaining One Month in Prison, shall make Application to the Court, and make an Affidavit that he is not worth Ten Pounds, the Plaintiff shall pay to the Defendant the Sum of Three Shillings and Six Pence Weekly, for his Maintainance as long as he shall be detained in Prison at the Suit of the Plaintiff; such Payment shall be made in Advance on Monday in every Week, in Failure of which the Court from whence the Execution issued shall order the Defendant to be released; but the Plaintiff shall not be obliged to make such Payment if he can prove, to the Satisfaction of the Court by which the Defendant stands committed, that the Defendant has secreted or conveyed away his Effects to defraud his Creditors.

Art. XXIII.

When any Person against whom Judgment shall be given in any of the Courts of Common Pleas shall not have sufficient Goods, Chattels, Lands, or Tenements, to satisfy such Judgment within the Jurisdiction of the Court wherein such Judgment shall have been obtained, but shall have Goods, Chattels, Lands, or Tenements within the Jurisdiction of the other Court of Common Pleas, it shall be lawful for the Judge or Judges of the Court wherein Judgment shall have been obtained to award Execution to the Sheriff of the other District, who, after getting the Writ indorsed by One of the Judges of the Court for the District in which the Goods, Chattels, Lands, or Tenements are situated, shall execute the same, and make Return thereof to the Court from which it issued; and such Writ and Return shall be by him sent to the Sheriff of the District from whence the Writ was originally awarded, to be delivered into the Court that issued the same. The Sheriff executing such Writ shall be answerable for his Doings relative thereto before the Court from which it was originally awarded; and the Judges of the Court of Common Pleas for the One District may, in like Manner, award Execution against the Body of a Person residing in the other, in Cases where such Execution is by Law allowed; and the Sheriff executing the Writ to him in such Case directed shall convey the Body of such Person into the Prison of the District wherein such Person shall be arrested.

Art. XXIV.

This Ordinance, and the several Provisions and Matters therein contained, shall remain in Force only during the Space of Two Years from the Publication thereof.

GUY CARLETON.

Ordained and Enacted by the Authority aforesaid, and passed in Council under the Great Seal of the Province, at the Council Chamber in the Castle of St. Louis, in the City of Quebec,

Y y

Quebec, the Twenty-fifth Day of February, in the Seventeenth Year of the Reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord One thousand Seven hundred and Seventy-seven.

By his Excellency's Command,
J. WILLIAMS, C. L. C.

N° 39.

(COPY.)

An ORDINANCE for establishing Courts of Civil Judicature in the Province of Quebec.

Preamble.

WHEREAS it is necessary to establish Courts of Civil Judicature for the speedy Administration of Justice within this Province; It is therefore Ordained and Enacted by his Excellency the Captain General, and Governor in Chief of this Province, by and with the Advice and Consent of the Legislative Council of the same, That

Division of the Province into Two Districts.

Art. 1. For the Ease and Convenience of His Majesty's Subjects residing in different Parts of this Province, the same shall be and hereby is divided into Two Districts, to be called and known by the Names of Quebec and Montreal, which said Districts shall be divided and bounded by the River Godfroy on the South, and by the River St. Maurice on the North Side of the River St. Lawrence.

Establishment of a Court of Common Pleas for each District, to sit One Day at least in every Week, in Matters exceeding £. 10 Sterling, and another Day in Matters of or under that Sum; except in Vacation Times.

Art. 2. A Court of Civil Jurisdiction, to be called the Court of Common Pleas, shall be, and hereby is erected, constituted, and established for each of the said Districts, the One whereof shall sit at the City of Quebec, and the other at the City of Montreal, at least One Day in every Week, for the Decision of Causes in which the Value of the Matter in Dispute shall exceed Ten Pounds Sterling; and another Day in every Week for the Decision of Causes in which the Matter in Dispute shall be of or under the Value of Ten Pounds Sterling; and shall so continue their Sittings throughout the whole Year, excepting Three Weeks at Seed Time, a Month at Harvest, and a Fortnight at Christmas and Easter, and except during such Vacations as shall be appointed by the Judges for making their Circuits Twice every Year through their separate Districts. The said Courts shall have full Powers, Jurisdiction, and Authority, to hear and determine all Matters of Controversy relative to Property and Civil Rights, according to the Rules prescribed by an Act of Parliament made and passed in the Fourteenth Year of the Reign of His present Majesty, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America;" and such Ordinances

Rule of Decision.

ances as may hereafter be passed by the Governor and Legislative Council of the said Province.

Art. 3. In Matters above the Value of Ten Pounds Sterling the Presence of Two Judges shall be necessary to constitute a Court of Common Pleas; the Decision of which Court shall be final in all Cases where the Matter in Dispute shall not exceed the Value of Ten Pounds Sterling, except in Matters which may relate to taking or demanding any Duty payable to His Majesty, or to any Fee of Office, or Annual Rents, or other such like Matter or Thing, where the Rights in future may be bound, in which Cases, and also in all Matters that exceed the said Value of Ten Pounds Sterling, an Appeal shall lie to the Governor and Council; provided Security be duly given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation; as also pay such Costs and Damages as shall be awarded, in case the Judgment or Sentence of the Court of Common Pleas shall be affirmed.

Two Judges necessary to make a Court.

Their Decision to be final in Matters under £. 10 Sterling, except in certain Cases:

In which excepted Cases, and in Matters above that Value, Appeal to be to the Governor and Council, giving good Security.

Art. 4. The Governor and Council are hereby erected and constituted a Superior Court of Civil Jurisdiction (whereof, in the Absence of the Governor and Lieutenant Governor, the Chief Justice shall be President) for hearing and determining all Appeals from the Inferior Courts of Civil Jurisdiction within the Province, in all Cases where the Matter in Dispute shall exceed the Sum of Ten Pounds Sterling, or shall relate to the taking or demanding any Duty payable to His Majesty, or to any Fee of Office, or Annual Rents, or other such like Matter or Thing, where the Rights in future may be bound, though the immediate Sum or Value appealed for be less than Ten Pounds Sterling. And any Five Members of the said Council (the Judges who shall have given the Judgment appealed from excepted) with the Governor, Lieutenant Governor, or Chief Justice, shall constitute a Court for that Purpose, which shall sit the First Monday in every Month throughout the Year, and continue sitting each Month as long as the Business before it may require: And the said Court of Appeals shall have Power to revise and examine all the Proceedings in the Court below, and to correct all Errors both in Fact and in Law, and to give such Judgment as the Court below ought to have given, and on Judgment to award and issue such Execution as the Law shall direct.

The Governor and Council made a Court of Appeals.

The Governor, Lieutenant Governor, or Chief Justice, with any Five Members, to constitute a Court.

Art. 5. The Judgment of the said Court of Appeals shall be final in all Cases where the Matter in Dispute shall not exceed the Value of £. 500 Sterling; but in all Cases exceeding that Value an Appeal shall lie to His Majesty in His Privy Council, provided Security be first duly given by the Appellant, that he will effectually prosecute his Appeal, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by His Majesty in His Privy Council, in case the Sentence of the said Court of Appeals shall be affirmed. An Appeal shall likewise lie to His Majesty in His Privy Council, from the Judgment of the said Court of Appeals, in all Cases where the Matter in Question shall relate to the taking or demanding any Duty payable to His Majesty, or to any Fee of Office, or Annual Rents, or any such like Matter or Thing, where the Rights in future may be bound, though the immediate Sum or Value appealed for be less than £. 500 Sterling; and in all Cases where Appeal shall be allowed

The Judgment of the said Court to be final in all Matters not exceeding the Value of £. 500 Sterling: Appeals allowed in Matters above that Value to His Majesty in Council.

Other Cases in which Appeal shall be allowed to His Majesty in Council.

lowed to His Majesty in His Privy Council, Execution shall be suspended until the final Determination of such Appeal, provided Security be given as aforesaid.

Judgments, Sentences, and Executions of the Courts of Civil Jurisdiction, established since the 1st of May 1775, confirmed; subject to an Appeal, &c.

Art. 6. All Judgments, Sentences, and Executions of the Courts of Civil Jurisdiction, which it has been found necessary to establish since the 1st of May 1775; are hereby ratified and confirmed, subject nevertheless to an Appeal to the said Court of Appeals, in Matters exceeding the Value of Ten Pounds Sterling, and in Cases where Rights in future may be bound.

Appeal from the Judgments of all the Courts heretofore established to be prosecuted within Three Months.

Art. 7. Any Party meaning to appeal from any Judgment, either of the said last-mentioned Courts, or of the Courts of Civil Jurisdiction subsisting in the Province before the 1st of May 1775, shall sue out the Writ of Appeal within Three Months after the Publication of this Ordinance, after which Period the same will not be allowed.

All Matters undetermined in any former Court of Appeals to be transmitted to the Court of Governor and Council.

Art. 8. All Actions instituted in any of the Courts of Civil Jurisdiction subsisting in the Province before the 1st May 1775, or in those established since the 1st May 1775, and remaining undetermined therein, shall be transmitted to the Courts of Common Pleas hereby established for the respective Districts, to be proceeded upon to Judgment, as if the same had been commenced therein; also all Matters remaining undetermined in any Court of Appeals heretofore subsisting in this Province shall be forthwith transmitted to the Court of Appeals hereby established, to be proceeded upon therein to Judgment and Execution.

GUY CARLETON.

Ordained and Enacted by the Authority aforesaid, and passed in Council, under the Great Seal of the Province, at the Council Chamber in the Castle of St. Louis, in the City of Quebec, the 25th Day of February, in the Seventeenth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord 1777.

By his Excellency's Command.

J. WILLIAMS, C. L. C.

(COPY.)

An ORDINANCE for establishing Courts of Criminal Jurisdiction in the Province of Quebec.

IT is Ordained and Enacted by his Excellency the Captain General and Governor in Chief of this Province, by and with the Advice and Consent of the Legislative Council of the same, That

Art. I.

There shall be and hereby is erected, constituted, and established for the Province at large, a Supreme Court of Criminal Justice and Jurisdiction, to be called and known by the Name of the Court of King's Bench, for the Cognizance of all Pleas of the Crown, and for the Trial of all Manner of Offences whatsoever; the said Court shall be held before the Chief Justice of the Province, or Commissioners that may be appointed for executing the Office of Chief Justice for the Time being, who shall hear and determine the said Pleas of the Crown, and all Manner of Offences whatsoever, according to the Laws of England, and the Ordinances of the Governor and Legislative Council of the Province.

Establishment of a Supreme Court of Criminal Justice, to be held before the Chief Justice, or Commissioners for executing that Office.

And for the speedy Administration of Justice, and the preventing long Imprisonments, there shall be held, in every Year, Four Sessions of the said Court of King's Bench, whereof Two Sessions shall be held at the City of Quebec, and the other Two at the City of Montreal, at the Times hereafter following, to wit, at the City of Quebec on the First Tuesday of May and the First Tuesday of November, and at the City of Montreal on the First Monday of March and the First Monday of September in every Year: but nothing herein contained shall extend to prevent the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to issue Commissions of Oyer and Terminer and Gaol Delivery at any other Time or Times, when he may think it necessary and expedient so to do.

Four Sessions, Two at Quebec, Two at Montreal. Times of sitting. Special Commissions to be issued if necessary.

Art. II.

In each of the Districts of Quebec and Montreal there shall be held and kept, Four Times in every Year, a Court of General Quarter Sessions of the Peace, by the Commissioners of the Peace of each respective District, or so many of them as are or shall be limited in the Commission of the Peace, who shall hear and determine all Matters relative to the Conservation of the Peace, and whatsoever is by them cognizable, according to the Laws of England, and the Ordinances of the Governor and Legislative Council of the Province. The said Sessions for the District of Quebec, shall be held at the City of Quebec, and the said Sessions for the District of Montreal shall be held at the City of Montreal, on the Days hereafter following,

Establishment of the Court of Quarter Sessions. Places and Times of sitting.

lowing, to wit, on the Second Tuesdays of the Months of January, April, July, and October, in every Year.

Two Commissioners to sit Weekly.

And Two of the said Commissioners of the Peace shall sit Weekly in Rotation in the Cities of Quebec and Montreal, for the better Regulation of the Police, and other Matters and Things belonging to their Office; and the Names of the Commissioners who are to sit in each Week shall be posted up on the Door of the Sessions House, by the Clerk of the Peace, Two Days before their respective Sittings.

Art. III.

Captains of Militia empowered in their respective Parishes to act as Coroners.

As the great Extent of this Province may render it often impracticable for the Coroner of the District to give his Attendance at the different Places where it might be necessary, the Captains of Militia shall be and hereby are empowered, in their respective Parishes, when any Marks of Violence appear on any dead Body, to summon together Six reputable Householdors of his Parish, to inspect the same; and he shall, according to their Opinion, report the Manner and Cause of such Death in Writing to the nearest Commissioner of the Peace, that a further Examination may be made therein, if necessary.

Art. IV.

Captains of Militia appointed Peace Officers in their respective Parishes.

And as great Inconveniences might arise from the Want of Peace Officers in different Parts of the Province, the said Captains of Militia shall be and hereby are empowered to arrest any Person guilty of any Breach of the Peace, or any Criminal Offence, within their respective Parishes, and to convey, or cause to be conveyed, such Person before the nearest Commissioner of the Peace, to be dealt with according to Law.

(Signed) GUY CARLETON.

Ordained and Enacted by the Authority aforesaid, and passed in Council under the Great Seal of the Province, at the Council Chamber in the Castle of St. Lewis, in the City of Quebec, the Fourth Day of March, in the Seventeenth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord One thousand Seven hundred and Seventy-seven.

By his Excellency's Command.

J. WILLIAMS, C. L. C.

(COPY.)

Anno Vicefimo Tertio Georgii III. Regis.

C H A P. I.

An ORDINANCE for further continuing an Ordinance made the 25th Day of February, in the Seventeenth Year of His Majesty's Reign, intituled, " An Ordinance to regulate the Proceedings of the Courts of Civil Judicature in the Province of Quebec ;" and in Amendment thereof.

BE it Enacted and Ordained by His Excellency the Governor, by and with the Advice and Consent of the Legislative Council of the Province of Quebec, and by the Authority of the same it is hereby Enacted, That an Ordinance made in the Seventeenth Year of His Majesty's Reign, intituled, " An Ordinance to regulate the Proceedings of the Courts of Civil Judicature in the Province of Quebec," and every Article and Clause therein contained, shall be and continue, and the same is hereby further continued, from the passing of this present Ordinance unto the Thirtieth Day of April One thousand Seven hundred and Eighty-five.

And whereas in and by the Eighth Article of the said Ordinance it is Ordained and Enacted, That a Writ of Appeal shall be allowed if the Appellant hath given the requisite Security for prosecuting the same ; It is Enacted and Ordained, That the Judges to whom any such Writ of Appeal may be directed shall and may be empowered, and are hereby lawfully authorized to accept of Personal Security on Bail by Justification, for sufficiently prosecuting all or any such Writ of Appeal to be sued out and prosecuted according to the said Ordinance, any Thing contained in the Ordinances or Laws of this Province to the contrary notwithstanding.

(Signed) FRED. HALDIMAND.

Ordained and Enacted by the Authority aforesaid, and passed in Council under the Public Seal of the Province, at the Council Chamber in the Castle of St. Lewis, in the City of Quebec, the Fifth Day of February, in the Twenty-third Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord One thousand Seven hundred and Eighty-three.

By His Excellency's Command.
J. WILLIAMS, C. L. C.

(C O P Y.)

Anno Vicefimo Quinto Georgii Regis.

C H A P. II.

An ORDINANCE to regulate the Proceedings in the Courts of Civil Judicature, and to establish Trials by Juries in Actions of a Commercial Nature, and Personal Wrongs to be compensated in Damages.

Preamble.

WHEREAS it is necessary, for the Ease and Conveniency of His Majesty's Subjects who may have Actions to prosecute in the Courts of Civil Judicature established in this Province, that the Mode of administering Justice in the said Courts should be clearly ascertained, and rendered as plain as possible:

Be it therefore Ordained and Enacted by his Honour the Lieutenant Governor and Commander in Chief of this Province, by and with the Advice and Consent of the Legislative Council thereof, and by the Authority of the same it is hereby Ordained and Enacted,

Manner of Proceedings in the Actions above the Value of £. 10 Sterling.

Art. 1. That in all Causes or Matters of Property exceeding the Sum or Value of Ten Pounds Sterling, upon a Declaration presented to any One of the Judges of the Court of Common Pleas by any Person, setting forth the Grounds of his Complaint against a Defendant, and praying an Order to compel him to appear and answer thereto, such Judge shall be and hereby is empowered and required in his separate District to grant such an Order, whereby the Plaintiff may have and obtain from the Clerk of the Court a Writ of Summons in the Language of the Defendant, to be issued in His Majesty's Name, and attested by Name of such Judge, to be directed and executed by the Sheriff of the District where such Court shall have Jurisdiction, and in which the Defendant may be or doth reside, commanding such Defendant to be and appear in such Court to answer to the Plaintiff on the Day appointed by such Judge in the Order on the Declaration, Regard being had to the Season of the Year, as well as to the Distance of the Defendant's Abode or Place of Service from the Place where the Court may sit.

Execution not to be issued against Absentees, till Security be given.

Art. 2. Provided always, That a Copy of the Writ of Summons, and the Declaration, shall be served on the Defendant Personally, or left at his House, with some grown Person there belonging to the Family, and in so doing the Service shall be deemed sufficient: Provided nevertheless, that if the Defendant be absent in the upper Country, or lower Parts of the Province, that is to say, when in or upon any Place beyond the Long Sault on the Ottawa River, or beyond the Osvegatche in the upper Parts of the Province, or in or upon any Place below Cape Cat on the South Side, and the Seven Islands on the North Side of the River St. Lawrence, and where such Defendant

dant hath not been Personally served with such Summons and Declaration as abovesaid, that no Execution shall issue unless the Plaintiff shall give good and sufficient Security, to be approved by the Court, to refund to the Defendant or his legal Representative as much as the Defendant, appearing by himself or his legal Attorney within a Year and a Day, may be able to set aside and reverse of the said Judgment, by such the Consideration of the said Judgment in the Court where given, as may be presented in the Conditions expressed in the Security to be given as aforesaid for re-hearing of the Merits of said Cause.

Art. 3. That the said Declaration so to be filed shall not be altered or amended after being filed as abovesaid, unless upon Rule of the Court, and upon Payment of Costs.

Art. 4. That in all and every Case where One or more Judges of any Court of Common Pleas is or may be satisfied, by the Affidavit of the Plaintiff, or his Book Keeper or Clerk, or legal Attorney, that the Defendant is Personally indebted to the Plaintiff in a Sum exceeding Ten Pounds Sterling, and may also be satisfied, by the Oath of the Plaintiff or some other Person, that the Defendant is immediately about to leave the Province, and whereby the Plaintiff might be deprived of his Remedy against such Defendant, it shall and may be lawful for One or more Judge or Judges of any Court of Common Pleas to grant a Capias or Attachment against the Body of such Defendant, to be directed to the Sheriff in Manner as aforesaid, to hold such Defendant to Bail for his Appearance at the Return of such Writ, and in Default thereof to commit him to Prison, there to remain until Special Bail may be given by such Defendant, or until Two Days after Execution may be obtained by the Plaintiff, if Judgment be in his Favour.

Attachment against the Body, when Debtor is going to leave the Province.

Art. 5. Provided always, That if any Defendant, so bound in Recognizance by Special Bail, shall or do surrender himself in open Court, pending the Action, or at any Time within One Month after Judgment obtained, or do surrender himself unto the Sheriff of the District where such Court may have Jurisdiction, at any Time within Fifteen Days after the Day on which the Plaintiff might legally have and obtain Execution by Capias ad Satisfaciendum upon Judgment obtained, that then and in such Case such Surrender of the Defendant shall be held, taken, and considered as a Discharge of the Persons bound for such Defendant on Special Bail.

Art. 6. If on the Day of the Return of the Writ of Summons the Defendant does not appear in Person or by Attorney (Proof of such Service being produced or made in Court) the Plaintiff shall obtain a Default against the Defendant; and if on calling over the Action on the next Weekly Court Day the Defendant should still neglect to appear, without any good Reason for such his Neglect, the Court, after hearing and receiving sufficient Proof of the Plaintiff's Demand, shall cause their final Judgment to be entered against the Defendant, and shall award such Costs thereupon as they shall think reasonable, and issue such Execution as the Law, according to the Nature of the Case, may direct.

If Defendant does not appear, Judgment to be entered.

Art. 7. Provided always, That every Proof that may be offered by the Plaintiff in Support of his Action and Demand, shall be filed in Court; and

remain of Record, in the same Manner as if the Defendant had appeared and defended the Action.

If Defendant appears, he is to answer the Declaration.

Art. 8. Provided always, That the Defendant upon his Appearance at the Return Day of the Writ, or in case of Default upon his Appearance at the next Weekly Court after such Return, and after Payment of Coſts of ſuch Default as aboveſaid, ſhall then or on ſuch other Day as he may obtain from the Court, make his Answer to the Declaration, either in Writing or verbally, as he thinks fit; and if the Answer be verbal, the Clerk of the Court ſhall take down the Subſtance thereof in Writing, and preſerve the ſame among the Records of the Court, and in the ſaid Action. And if the Plaintiff doth not appear at the Return Day of ſuch Writ, or appearing doth not proſecute his Action, the ſame ſhall be diſmiſſed, with Coſts to the Defendant.

Trial by Juries in certain Caſes, at the Option of the Parties.

Art. 9. That all and every Perſon having Suits at Law and Actions in any of the ſaid Courts of Common Pleas, grounded on Debts, Promiſes, Contracts, and Agreements of a Mercantile Nature only, between Merchant and Merchant, and Trader and Trader, ſo reputed and underſtood according to Law, and alſo of Perſonal Wrongs proper to be compensated in Damages, may, at the Option and Choice of either Party, have and obtain the Trial and Verdict of a Jury, as well for the Aſſeſſment of Damages on Perſonal Wrongs committed, as the Determination of Matters of Fact in any ſuch Cauſe: Provided always, That the Agreement of Nine of the Twelve Jurors who ſhall compoſe ſuch Jury ſhall be ſufficient and effectual to return a Verdict, and that the ſame ſo made and returned, ſhall be held as legal and effectual to every Intent and Purpoſe, *inſomuch* as if the whole Twelve Jurors had agreed therein; and the Clerk of the Court ſhall ſet down the Names of the Jurors on the Register of the Court in every Caſe where Verdicts may be returned as aboveſaid: Provided alſo, That in all ſuch Cauſes and Actions that may be between His Ma- jeſty's natural born Subjects of Great Britain, Ireland, or the Plantations and Provinces in America, the Juries in ſuch Cauſes ſhall be compoſed of ſuch natural born Subjects as aboveſaid; and in all Cauſes and Actions between His Ma- jeſty's Canadian or new Subjects, the Juries ſhall be compoſed of ſuch Canadian or new Subjects; and in all Cauſes of Actions between natural born Subjects and the Canadian or new Subjects, the Jury ſhall be compoſed of an equal Number of each, if ſuch be required by either of the Parties in any of the abovementioned Inſtances.

English Rules of Evidence adopted in Commercial Caſes.

Where neither Party is detri- mous of the Trial by Jury, Proceedings as formerly.

Art. 10. In Proof of all Facts concerning Commercial Matters, Re- courſe ſhall be had, in all the Courts of Civil Jurisdiction in this Province, to the Rules of Evidence laid down by the Laws of England.

Art. 11. Provided always, and it is Ordained and Enacted, That in all Cauſes before the ſaid Courts of Common Pleas, where the Parties, Plain- tiff nor Defendant, are neither of them deſirous of a Trial by the Verdict of a Jury of and reſpecting Matters legally within the Cognizance of ſuch Jury, but that ſuch Trial ſhould be by the Depoſition of Witneſſes, and by Proofs, as at preſent uſed in His Ma- jeſty's ſaid Courts of Common Pleas, the Court ſhall, after Iſſue joined on the Merits of the Cauſe, in the Manner as hereafter expreſſed, appoint a Day for hearing the Evi- dence of the Parties, Plaintiff and Defendant, and cauſe the ſame to be
taken

taken down in Writing by the Clerk of the Court, in open Court, and signed and sworn to by each respective Witness, save and except as hereafter provided for Witnesses absent by Reason of Sickness, or of departing the Province.

Art. 12. Provided also, that in case of Sickness, and where the Witnesses cannot attend the Court to be ascertained by Affidavit, it may be lawful for the Court in such Cases, and of evident Necessity, after Issue joined as abovesaid, to allow and permit that any One Judge, in the Presence of the Parties, Plaintiff and Defendant, or their Attornies, or in their or either of their Absence, after due Notice signified, may take the Deposition of such Witness in Writing, to be signed and sworn to, and certify and record the same in the said Court, and there to be of legal Effect; and moreover that such Deposition so taken may be offered and read to the Jury as legal Evidence, if such Cause be to be tried by Jury; and also in Causes instituted in the said Court, where any Witness may be about to depart the Province, and by which Means either Party might be deprived of his Testimony, to be ascertained by Affidavit, it shall and may be lawful for any Judge of the said Courts to take the Deposition of such Witnesses, in Presence of the Parties, or their Attornies, in the Manner as above expressed, and the same shall be of legal Effect in every Cause in the Manner as abovesaid.

Provision for examining Witnesses in case of Sickness, or when about to depart the Province.

Art. 13. And it is further Ordained and Enacted, That every Issue in Law or Fact, to be formed in any Cause in either of the said Courts of Common Pleas, between the Parties, Plaintiff and Defendant, shall be made and completed by the Declaration, Answer, and Replication, or by the Plea, Answer, and Replication, in Cases of Abatement and Bar of the said Parties, Plaintiff and Defendant, and that no other or further Pleadings, or Writings by Way of Plea, upon such Issue or Matter in Dispute, whether of Law or Fact, shall be received or admitted by the said Courts of Common Pleas as Part of and to be put upon Record in any Cause there instituted, and to be heard and adjudged upon, any Thing to the contrary notwithstanding.

Limitation of Pleadings

Art. 14. That every Writ and Process which ought to be served and executed by the Sheriff, where it shall happen that the Sheriff may be Personally interested and concerned, shall be served and executed by the Coroner of the District in which such Writ, Process, or Execution may issue.

When the Sheriff is concerned the Process to be served by the Coroner.

Art. 15. That all Merchants or Traders of lawful Age, and also all Persons of lawful Age being Householders, or occupying Lodgings of the Value of Fifteen Pounds per Annum Rent, shall be held and considered qualified as Jurors, and to serve on Petit Juries.

Of Jurors, their Qualifications.

Art. 16. That the Sheriff of each District shall make out Lists of all Persons so qualified as abovesaid, who may reside in the Cities of Quebec or Montreal, and within the Vicinage or Banlieu thereof, and return the same into the respective Courts of Common Pleas of the District in which such Sheriff may officiate, and in which Return shall be set down the Christian and Surname, and also the Profession, Trade, or Calling, and Place of Abode, of such Persons so returned.

Sheriffs to make out Lists of Jurors.

Art. 17.

Art. 17. That from the said general List the Clerk of each Court shall make Two separate Lists or Books, the one to contain the Names of all Merchants, Persons concerned in Trade, or qualified to serve on Special Juries, and the other List or Book to contain the Names of Persons of different Occupations so returned on the said general List by the Sheriff as aforesaid; that the said Lists or Books, when so made, shall be examined by the Judges and Sheriff, and corrected, if needful, and shall be of Record, and open in the Clerk's Office to the Inspection of all Persons, without Fee or Reward.

Art. 18. That on all and every Cause where a Trial may be moved for and directed to be taken by the Verdict of a Jury, it shall and may be lawful for the Parties, Plaintiff and Defendant, or their Attornies, to strike a Jury from the above Lists or Books so returned into Court, and completed as aforesaid, in the same Manner, and under the same Rules, as Special Juries are struck in the Courts of Record in England; (that is to say) from the first List or Book so formed by the Clerk, and approved by the Judges as aforesaid, in all Causes of Mercantile Dispute, or Actions of Damages, where the total Amount, Sum, Dealing, or Matter of Account, Agreement, or Transaction between the Parties, may exceed Fifty Pounds; and from the Second List or Jury Book, where the total Sum as aforesaid may not exceed the said Sum of Fifty Pounds.

Juries to be taken in Rotation.

Art. 19. Provided always, That the said Juries so to be struck from either of the said Lists shall be taken from the same in Rotation, and following each other, by commencing at that Part of the List from whence the former or preceding Jury was struck or taken; and also that in all Causes that may appear to the Court before which they are to be had to be of Intricacy, and that ought to be tried by a Jury from the first List, although the Sum or total Amount may not exceed Fifty Pounds, the Judges of such Court may permit and order the Jury to be struck from the first List, the Party applying for such Jury paying the Difference of Fees between Jurors from the first and the second Jury List or Book.

Challenge or Exceptions to Jurors to be determined agreeable to the Laws of England.

Art. 20. That all and every Challenge or Exception to the Pannel, or any particular Juror returned thereon, shall be taken, made, and determined upon in open Court, and conformable to the Laws of England; that Jurors serving on Special Juries as aforesaid, and struck from the first List or Jury Book, shall have and receive Two Shillings and Six Pence each for every Verdict to be made and delivered, and before returned into Court; and Jurors struck from the second List or Jury Book, One Shilling each for every Verdict in Manner as aforesaid.

List of Jurors to be returned by the Sheriffs in the Month of June Yearly.

Art. 21. That Lists of Jurors, in the Manner prescribed by the preceding Articles shall be made, by the Sheriffs returned into the several Courts, and formed in the Manner abovementioned in the Month of June in every Year.

Penalty on Jurors not attending.

Art. 22. That all Persons being duly summoned to attend in any of His Majesty's Courts of Common Pleas to serve as Jurors as aforesaid, and neglecting or refusing so to do, shall be liable to, and may be fined by the said Courts respectively, in any Sum not exceeding Five Pounds, and not less than Ten Shillings, to be levied by Warrant of Distress on the Goods

Goods and Chattels of such Person so refusing or neglecting to attend, and to be paid to His Majesty's Receiver General for the Public Uses of the Province.

Art. 23. That the Members of His Majesty's Council, the Officers of His Majesty's Courts, Officers of the Customs, Naval Officers, Persons employed in the Service of the Post Office, Physicians and Surgeons, and Officers employed in Military Service, shall be exempted from serving on Juries. Persons exempted from serving on Juries.

Art. 24. The Party meaning to appeal from any definitive Sentence or Judgment of any of the Courts of Common Pleas shall sue out a Writ from the Court of Appeals, tested and signed by the Governor, Lieutenant Governor, or Chief Justice, stating that the Appellant complains of being aggrieved by the Judgment, and therefore commanding the Judges of the inferior Court, or any Two of them, to send up the original Papers and Proceedings found in the Records or Registers of the Court concerning the same. Such Writ, when presented to any of the Judges of the Court below, shall be allowed by him, if the Appellant has given the requisite Security, which Security is hereby understood to be Personal Security, or Bail by Justification, any Law, Usage, or Custom to the contrary notwithstanding. Provided nevertheless, that an Appeal may be had and obtained in Manner aforesaid from any Interlocutory Sentence or Judgment which may carry Execution by ordering something to be done or executed that cannot be remedied by the final Sentence or Judgment, or whereby the Right of the Matter in Contestation between the Parties may be in Part decided, or whereby final Hearing and Judgment may be unnecessarily delayed: Provided always, That such Appeal shall not be granted and allowed, except upon Motion made in the Court of Appeals for that Purpose, and a Rule served upon the other Party, or his Attorney, to shew Cause why a Writ of Appeal from such Interlocutory Sentence or Judgment should not be granted: And it is hereby ordained, that a Rule so served shall have the Effect to stay Execution upon such Interlocutory Sentence or Judgment, till the Determination of the Motion for such Appeal; and if the Writ of Appeal shall be awarded thereupon, and allowed by the Judges in Manner as aforesaid, the Clerk of the Court shall proceed to comply with the Order of the Writ, and the Judges, or any Two of them, shall make their Return as therein commanded. Appeals from definitive Judgments.

Art. 25. If the Appellant does not, within Eight Days after the Return of the said Writ, and the Transmission of the Proceedings, file his Reasons of Appeal, the Appellee shall obtain a Rule or Order, that unless the Appellant's Reasons of Appeal are filed in Four Days, the Appeal will be dismissed: And if the said Reasons of Appeal are not filed within Four Days after Service of the said Rule, on the Appellant or his Agent, the Appeal shall be accordingly dismissed with Costs. Appellant to file his Reasons of Appeal in Eight Days.

Art. 26. Within Eight Days after the Reasons of Appeal are filed, the Appellee shall file his Answers thereto; or if he neglects so to do, the Appellant shall obtain a Rule or Order, that unless the Appellee file his Answers within Four Days, he will be precluded from filing them after that Period; and if his Answers are not filed within Four Days after Service Appellee to file his Answers in Eight Days.

vice of such Rule on the Appellee or his Agent, he shall accordingly be precluded from filing them; and the Court will proceed to hear the Cause on the Part of the Appellant, and proceed to Judgment therein without the Intervention of the Appellee.

The Court, upon good Cause shewn, may prolong the Time above allowed.

Art. 27. The said Court of Appeals nevertheless shall and may, upon Application made, and good Cause shewn by either of the Parties (Notice being given to the other) prolong the Time allowed for filing either the Reasons of Appeal or Answers thereto; and in case the Court shall not be sitting at the Time when such Reasons or Answers ought regularly to be filed, the Party neglecting shall apply to the Court at the next Sitting thereof, and shew his Reasons for such Neglect; and if the Court finds them insufficient, it will as the Case may be, either dismiss the Appeal, or proceed to hear it without the Intervention of the Appellee as above directed.

Day to be fixed for hearing the Cause.

Art. 28. When the Reasons of Appeal, and the Answers thereto, are filed, the Court shall, on the Application of either of the Parties, fix on such convenient Day for the hearing of the Cause, as to it may seem proper.

Execution to issue in Fifteen Days, if Appeal is not allowed, or Security given.

Art. 29. If the Writ of Appeal is not allowed by one of the Judges of the Court below, and a Copy thereof served on the Appellee or his Agent, within Fifteen Days after any Judgment given in the Court of Common Pleas, Execution shall issue: Provided always, that in Cases of Appeal from Judgments in His Majesty's Court of Common Pleas in the District of Montreal, Execution shall be stayed for the Space of Twenty Days, where the Party meaning to appeal shall lodge good and sufficient Security in the said Court, within Fifteen Days from the Date of such Judgment, to prosecute his said Writ of Appeal with Effect; and that such Security shall be taken as in Case of an actual Writ of Appeal issued and admitted. And no Appeal shall be allowed or received from the Court of Common Pleas, after the Expiration of One Year from the Date of the Judgment of such Court, save and except such Judgment whereby the Rights of Infants, Absentees, Femmes Coverts, or Persons non compos Mentis may be bound.

Limitation of Appeals.

Of Executions. Nature of the Execution.

Art. 30. The Execution sued out from any of the Courts of Civil Jurisdiction shall be a Writ issuing in the King's Name, tested and signed, when issuing from the Court of Appeal, either by the Governor, Lieutenant Governor, or Chief Justice; and when issuing from the Court of Common Pleas by One of the Judges of the Court for the District in which it is given, directed to the Sheriff of the District, setting forth the Judgment of the Court between the Parties, and the Kind of Execution which the Law, according as the Case may be, shall direct, whether the same be to take the Body, or to levy a Sum of Money out of any one's Goods and Chattels, Lands and Tenements, or to do any special Matter or Thing whatever. The Date of the Judgment shall be indorsed on every Writ of Execution, and that Indorsement signed by the Judge.

Personals to be first disposed of, and if insufficient Real Estate to be sold.

Art. 31. In all Cases where Execution shall issue against Real and Personal Estates, the Sheriff shall first dispose of the Personal Property, and if the Proceeds thereof fall short of the Amount of the Judgment, the Real Estate,

Estate, or so much thereof as will produce the Amount, shall be sold for that Purpose.

Art. 32. Where Moveables shall be seized by the Sheriff under an Execution, he shall cause the seizure to be published at the Church Door of the Parish, immediately after Divine Service, on the First Sunday succeeding such Seizure, and at the same Time cause to be proclaimed the Day and Place when and where he means to proceed to the Sale thereof, provided that the Place of Sale shall be in the same Parish in which the Seizure is made; and provided always that the Sheriff shall not sell Chattels so to be seized and notified, until Eight Days after Notification of Sale as aforesaid. And that at the Request of the Plaintiff the Sheriff may cause Goods and Merchandizes, so seized as aforesaid, to be transported from the Parish where seized to the City of Montreal or Québec (being in the District where seized) and there to be sold after due Notice as aforesaid; and that Execution so to be issued against Chattels or Personal Estate shall be made returnable at such Day as the Court from whence it may issue shall judge reasonable, and that Execution shall issue against Chattels, or Personal and Real Estate, in one and the same Writ, but that such Execution shall be first levied upon the Chattels or Personal Estate, and be returnable as to such first Levy, yet nevertheless may have Force and Effect, and be returnable at a more distant Period as to the Second Levy on Real Estate, for the full Satisfaction of the Execution aforesaid.

Manner of
selling Per-
sonals.

Art. 33. When Lands and Tenements shall be seized by the Sheriff, under a Writ of Execution, he shall advertise the Sale thereof Three several Times in the Quebec Gazette, to be on some certain Day after the Expiration of Four Months from the Date of the First Advertisement, and proclaim the said Sale at the Church Door of the Parish in which the Premises are situated, immediately after Divine Service on the Three Sundays next preceding the Sale, and cause a Copy of the said Advertisement to be fixed on the Door of the Parish Church; and that Lands in Roture shall be sold at the Door of the Church of the Parish where seized. And the Sheriff is hereby further required to advertise, immediately after the Seizure, that all and every Person having any Claim on said Lands and Tenements, by Mortgage or other Right or Incumbrance, do give Notice thereof at his Office, either before or after the Sale, where the Law makes a Distinction, and to remove all Doubts, the Sale then by the Sheriff, without any other Formality, shall have the same Force and Effect as the Decret had heretofore.

Manner of
selling Real
Property.

Art. 34. If Two or more Writs of Execution shall be issued upon Judgments given the same Day, against the same Defendant or Defendants, and so marked on the Writs, such Executions shall have the same Privilege, and be satisfied in the same Proportion: Provided always, that if any Oppositions or Claims may be entered at the Sheriff's Office, either before the Sale of Moveables, or before or after the Sale of Immoveables, and where required by Law in the One or the other Case above mentioned, or where the Moveables seized may be claimed by any other Person as to him pertaining, in all such Cases the Sheriff shall return the same at the proper Periods into the Court where such Execution issued, that the said Court may,

When Two or
more Execu-
tions issue on
Judgments
given the same
Day, they are
to be satisfied
in the same
Proportions,
unless in case
of Oppositions
entered at the
Sheriff's Of-
fice.

may, on hearing such Claims and Oppositions, and the Parties therein concerned; adjudge them according to Law.

Allowance to the Sheriff.

Art. 35. On every Execution the Sheriff shall be allowed all his Disbursements, and shall be authorized to charge over and above at the Rate Two and a Half per Cent. to be deducted out of the Money he levies.

Proceedings in Actions under £. 10 Sterling.

Art. 36. In Matters not exceeding or under Ten Pounds Sterling, any Person having a Right of Action against another shall prepare, or procure from the Clerk of the Court of Common Pleas, a Declaration in the following Form; viz.

Declaration.

" ^{Quebec,} } Day of 17 { A. B. Plaintiff.
 " ^{Montreal.} } { C. D. Defendant.
 " The Plaintiff demands of the Defendant the Sum of
 " due to the Plaintiff from the Defendant, for
 " which said Sum, though often demanded
 " still remains due; therefore the Plaintiff prays
 " Judgment."

This Declaration shall be filed by the Clerk, who shall make a Copy thereof, and at the Foot of such Copy write out a Summons in the Language of the Defendant in the following Form; viz.

Summons.

" ^{Quebec,} } ff. George the Third, by the Grace of God of Great
 " ^{Montreal.} } Britain, France, and Ireland, King, Defender of the Faith,
 " to C. D. Defendant in the above Action.—You are hereby
 " commanded and required to pay the Plaintiff A. B. the
 " above-mentioned Sum of together with
 " Cofts, or else to appear in Person, or by your
 " Agent, before Our Judges of Our Court of Common Pleas,
 " at the Court House of the City of ^{Quebec,} on the
 " ^{Montreal.} Day of when the Matter of Complaint
 " against you, as ascertained in the above Declaration, will be
 " heard and finally determined, otherwise Judgment will be
 " given against you by Default. Witness the Honourable
 " One of the Judges of Our said Court of Com-
 " mon Pleas, this Day of in the Year
 " and Year of Our Reign."

Services.

This Summons shall be signed by One of the Judges of the Court, and a Copy thereof, and of the Declaration, served on the Defendant Personally, or left at his Dwelling House or ordinary Place of Residence, with some grown Person there; and the Person serving the same shall inform the Defendant, or such grown Person, of the Contents thereof. If at the Time mentioned in the Summons the Defendant does not appear, (Proof of the Service thereof being produced in Court) the Judges, or any One of them, shall hear the Cause on the Part of the Plaintiff, and make such Order, Decree, or Judgment, and award such reasonable Cofts of Suit, as to him or them shall appear agreeable to Equity and good Conscience.

Non-appearance.

Appearance.

But if the Defendant does appear by himself or his Agent, and the Plaintiff or his Agent does not appear, or appearing does not prosecute, or prosecuting

cutting fails in his Action, the Judge or Judges shall dismise the Defendant with Cofts. If the Plaintiff makes good his Charge against the Defendant, the Judge or Judges shall give Judgment accordingly, and award Cofts and Execution, but the Execution shall not issue until Eight Days after Judgment given. The Execution shall go against the Moveables only of the Defendant, which shall be seized by some Person to be for that Purpose appointed by the Court, and sold by him in the Manner mentioned in the 32d Article of this Ordinance. But the Execution shall contain an Exception of the Party's Beasts of the Plough, Implements of Husbandry, Tools of his Trade, and One Bed and Bedding, unless his other Goods and Chattels shall prove insufficient, in which Case such Beasts of the Plough, Implements of Husbandry, and Tools of his Trade, shall be sold, but not the Bed and Bedding. The Judge or Judges may, if they think proper, order the Debt to be levied by Installments, provided the Time allowed shall not exceed the Space of Three Months from the Day of issuing the Execution.

Judgment.

Execution.

Exception.

Debt to be levied by Installments.

Art. 37. In Matters as well above as of or under the Value of Ten Pounds Sterling, if the Defendant shall convey away or secrete his Effects, or shall with Violence, or by shutting up his House, Store, or Shop, oppose his Effects being seized, in all such Cases, on due Proof thereof, an Execution shall go against his Person, to be taken and detained in Prison until he satisfies the Judgment, any Law, Usage, or Custom to the contrary notwithstanding.

If Defendant secretes his Effects, or opposes the Seizure of them, Execution against the Body.

Art. 38. For the Satisfaction of all Judgments given in Commercial Matters between Merchants or Traders, as well as of all Debts due to Merchants or Traders for Goods, Wares, and Merchandizes by them sold, Execution shall issue not only against the Goods, Chattels, Lands, and Tenements of the Defendant but also, in case they shall not produce the Amount of the Plaintiff's Demand, against his Person, to be taken and conveyed into the Prison of the District, and there detained until he pays the Amount of the Judgment, or otherwise settles with and satisfies the Plaintiff, any Law, Usage, or Custom to the contrary notwithstanding: Provided, that if the Defendant, after remaining One Month in Prison, shall make Application to the Court, and make an Affidavit that he is not worth Ten Pounds, the Plaintiff shall pay to the Defendant the Sum of Three Shillings and Six Pence Weekly for his Maintenance, as long as he shall be detained in Prison at the Suit of the Plaintiff; and in Time of Scarcity the said Court of Common Pleas may in its Discretion augment the said Allowance, not exceeding the further Sum of One Shilling and Six Pence per Week; such Payment shall be made in Advance on Monday in every Week; in failure of which the Court from whence the Execution issued shall order the Defendant to be released; but the Plaintiff shall not be obliged to make such Payment, if he can prove, to the Satisfaction of the Court, by which the Defendant stands committed, that the Defendant has secreted or conveyed away his Effects to defraud his Creditors.

In Commercial Matters, Execution against the Body.

Art. 39. When any Person, against whom Judgment shall be given in any of the Courts of Common Pleas, shall not have sufficient Goods, Chattels, Lands, or Tenements, to satisfy such Judgment, within the Jurisdiction of the Court wherein such Judgment shall have been obtained, but

Power of awarding Execution out of One District into the other.

shall have Goods, Chattels, Lands, or Tenements, within the Jurisdiction of the other Court of Common Pleas, it shall be lawful for the Judge or Judges of the Court wherein Judgment shall have been obtained to award Execution to the Sheriff of the other District, who after getting the Writ indorsed by One of the Judges of the Court for the District in which the Goods, Chattels, Lands, or Tenements are situated, shall execute the same, and make Return thereof to the Court from which it issued; and such Writ and Return shall be by him sent to the Sheriff of the District from whence the Writ was originally awarded, to be delivered into the Court that issued the same. The Sheriff executing such Writ shall be answerable for his Doings relative thereto before the Court from which it was originally awarded, and the Judges of the Court of Common Pleas for the One District may in like Manner award Execution against the Body of a Person residing in the other in Cases where such Execution is by the Law allowed; and the Sheriff executing the Writ to him in such Case directed shall convey the Body of such Person into the Prison of the District wherein such Person shall be arrested.

Art. 40. That the Ordinance shall continue and be in force from and during Two Years, from the First Day of May next, and unto the End of the Sessions of the Legislative Council which will be in the Year of Our Lord 1787.

(Signed) HENRY HAMILTON.

Ordained and Enacted by the Authority aforesaid, and passed in Council under the Public Seal of the Province, at the Council Chamber in the Castle of St. Lewis, in the City of Quebec, the 21st Day of April, in the 25th Year of the Reign of Our Sovereign Lord George the Third, &c. &c. &c. and in the Year of Our Lord 1785.

By the Lieutenant Governor's Command.

(C O P Y.)

Anno Vicefimo Septimo Georgii Tertii, Régis.

C H A P. IV.

An ORDINANCE to continue in Force for a limited Time an Ordinance made in the 25th Year of His Majesty's Reign, intituled, " An Ordinance to regulate the Proceedings in the " Courts of Civil Judicature, and to establish Trials by Juries " in Actions of a Commercial Nature, and Personal Wrongs, " to be compensated in Damages;" with such additional Regulations as are expedient and necessary.

BE it Enacted and Ordained by his Excellency the Governor, and the Legislative Council, and by the Authority of the same it is hereby Enacted and Ordained, That an Ordinance made and passed the Twenty-fifth of April, in the Twenty-fifth Year of His Majesty's Reign, intituled, " An Ordinance to regulate the Proceedings in the Courts of Civil Judicature, and to establish Trials by Juries in Actions of a Commercial Nature, and Personal Wrongs, to be compensated in Damages," and every Clause and Article therein contained, be continued, and the same is hereby continued from the Expiration thereof to the End of the Sessions of the Legislative Council which will be held in the Year of our Lord 1789.

The former Ordinance to be continued for Two Years.

And whereas additional Regulations are at this Time found to be expedient and useful; Be it further Enacted by the same Authority, That in every Instance where the Fact is not verified by a Verdict of the Jury, but by other Proof, or the Testimony of Witnesses, the same shall be inserted in the Record of the Cause, that in case of Appeal the whole Proceedings may go up to be adjudged in the superior Tribunal, as regularly and as fully as the same was before the Court of Common Pleas.

In Cases where there is no Jury, the Fact to be inserted in the Record.

And wherever the Opinion or Judgment of the said Court of Common Pleas is pronounced upon any Law, Usage, or Custom of the Province, the same shall in like Manner be stated upon the Minutes or Record of the Court, and referred to, and ascertained, that the real Ground of the Opinion or Judgment may also appear to the Court of Appeals; and upon all Opinions conceived by any Party to be to his Injury, he shall be allowed his Exception, to be preserved in the Minutes; all which Proceedings shall be transmitted under the Signatures of the Judges, or any Two of them, and the Seal of the Court, that all His Majesty's Subjects, and especially His Canadian Subjects, by these Means may be protected in the Enjoyment of all the Benefits secured to them for their Property and Civil Rights

If the Judgment be upon any Law, Custom, or Usage of the Province, the same to be stated upon the Record of the Common Pleas.

Exception to be allowed.

If the Judgment be upon any Law, Usage, or Custom, of the Province, the same to be stated upon the Record.

of the Common Pleas.
Exception to be allowed.

Rights by the Statute passed in the 14th Year of His Majesty's Reign, intituled, " An Act for making more effectual Provision for the Government of the Province of Quebec, in North America," and by the Ordinances above-mentioned.

The same in the
Court of Appeals.

And be it further Enacted by the Authority aforesaid, That in all Cases adjudged in the Provincial Court of Appeals, where the same may be appealed to His Majesty in His Privy Council, and where their Opinion or Judgment is pronounced on any Law, Custom, or Usage of the Province, the same shall in like Manner, and for the same Reason as hereinbefore mentioned, be stated upon the Record, or referred to and ascertained.

Four Terms in the
Year established.

And, in all Causes of which the Common Pleas have Cognizance above Ten Pounds Sterling, the same shall be proceeded in, heard, and determined only in regular Terms, consisting of the First Fifteen Days (Sundays and Holidays excepted) in the Months of January and July, and the last Fifteen Days of March and September, Yearly, the First Return Days whereof shall always be the First Day of the Term, and the rest of the Return Days, and the General Rules of Practice, such as the respective Judges of the Common Pleas shall fix in a Formulary.

Appellate Jurisdiction of Court of Appeals,

And, to take away all Doubts and Scruples with respect to the Right of Appeal in any Cause before the said Courts of Common Pleas, Be it Enacted and Declared by the same Authority, That the Court of Appeals shall be deemed and adjudged to have an appellate Jurisdiction, with all the Power necessarily annexed to such Jurisdiction; and that it shall henceforth belong to the Provincial Court of Appeals to determine the Question when Security shall be requisite, and the Sufficiency thereof, and the Admission, Dismission, or Remission of Appeals, and the Supply of the Defects of the Record, and of the Effect of the Appeal as a Superfedeas of all or any Proceedings in the Lower Courts for the Stay of Execution on the Judgment of the same, or any Process of the Nature of Execution, with Authority also to make Rules and Orders, to regulate, effectuate, and accelerate the Proceedings in all Causes of Appeal, for the Advancement of Justice, and to prevent unnecessary Delays and Expence in the same.

touching Security,

Where Executors, &c. appeal, the Plaintiffs to give Security to refund before Execution issues.

And, where Appeals are brought by Executors, Administrators, Curators, Tutors, or Guardians, the Plaintiff shall not have Execution, nor any Process in the Nature of Execution, without such Security first given as the Court of Common Pleas in their Discretion shall direct, to refund the Damages and Costs, in case the Judgment shall be reversed, together with such Costs as the Court of Appeals may award.

Respecting Dispensation of Justice in small Causes.

And, for the more convenient Dispensation of Justice in small Causes, It is Enacted and Ordained by the same Authority, that it shall and may be lawful for his Excellency the Governor, or the Commander in Chief of the Province for the Time being, by and with the Advice and Consent of His Majesty's Council, to appoint by Commission such and so many Persons as he shall judge fit, and for such Parts of the Province as he shall think proper, to hear summarily, and to determine finally, without Appeals, all Matters of Debt of Ten Pounds or under; and it shall likewise be lawful for his Excellency the Governor, or the Commander in Chief for the Time being,

being, by and with the Advice and Consent of His Majesty's Council, to regulate the Fees to be taken by the Persons so commissioned, and by their subordinate Officers, and to direct a Mode of proceeding for them, whereof, and the Extent of their Jurisdiction respectively, a Notification shall be published in the Quebec Gazette, for the Information of all Persons whom it may concern.

Whereas there are many Thousands of Loyalists and others, settled in the Upper Countries above Montreal, and in the Bays of Gaspy and Chaleur, below Quebec, whose Ease and Convenience may require that additional Districts should be erected as soon as Circumstances will permit; It is Enacted and Ordained by the Authority aforesaid, That it may be lawful for the Governor or Commander in Chief for the Time being, with the Advice and Consent of the Council, to form, by Patent under the Seal of the Province, One or more new Districts, as his Discretion shall direct, and to give Commission to such Officer or Officers therein as may be necessary or conducive to the Ease and Convenience of His Majesty's Subjects residing in the remote Parts of the Province.

New Districts may be formed by Patent for the remote Parts of the Province.

And be it further Enacted by the Authority aforesaid, That no Process of Attachment, except in the Case of the Dernier Equippeur, according to the Usage of the Country, shall hereafter be issued for attaching the Estate, Debts, and Effects, of what Nature soever, of any Person or Persons whomsoever, whether in the Hands of the Owner, the Debtor, or a Third Person, prior to Trial and Judgment, except there be due Proof on Oath (to be indorsed on the Writ of Attachment) to the Satisfaction of One of the Judges of the Court issuing the same, that the Defendant, or Proprietor of the said Debts and Effects, is indebted to the Plaintiff in a Sum exceeding Ten Pounds, and is about to secrete the same, or doth abscond, or doth suddenly intend to depart from the Province, with an Intent to defraud his Creditor or Creditors, and that the Defendant is then indebted to the Plaintiff, and he doth verily believe that he shall lose his Debt, or sustain Damage, without the Benefit of such Attachment.

Attachments in certain Cases only.

Provided always, That nothing herein contained shall be construed to the Prejudice of the Rights of Landlords, in their legal Course, for the Recovery of Rents, according to any former Mode of proceeding by any Law, Usage, or Custom whatsoever; and provided also, that whenever the Defendant or Debtor shall either pay the Debt and Costs, or give Security to the Sheriff or Officers for the Goods so attached, as in Cases of Bail on Personal Arrests, subject to Justification in Court to answer the Value of the Goods, and abide the Judgment of the Court, the same shall be forthwith restored; and for that Purpose the Defendant or Debtor shall be allowed Forty-eight Hours, after which Period, if the Debt and Costs be not paid, nor Security given, the Goods so seized shall remain attached, and held by the Sheriff or Officer to answer the Judgment of Law.

Provido.

Be it further Enacted by the Authority aforesaid, That the additional Regulations hereby enacted shall be in force until the End of the Sessions that shall be held in the Year of Our Lord 1789, or as long as the Ordinance hereby renewed; and that the Ordinance passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, "An Ordinance for

These additional Regulations to be in Force for Two Years.

“ granting a limited Civil Power and Jurisdiction to His Majesty’s Justices of the Peace in the remote Parts of this Province,” be no longer in force than until such small Jurisdictions as by this Act are authorized, shall be actually erected.

Enacted and Ordained by the Authority aforesaid, and passed in Council under the Public Seal of the Province, at the Council Chamber in the Castle of St. Lewis, in the City of Quebec, the 30th of April, in the 27th Year of the Reign of Our Sovereign Lord George the Third, &c. &c. &c. and in the Year of Our Lord 1787.

By his Excellency’s Command,
(Signed) J. W. MEARNS, C. L. C.

N^o 44.

(COPY.)

Anno Vicesimo Septimo Georgii Tertii Regis.

C H A P. VI.

An ORDINANCE to explain and amend an Ordinance for establishing Courts of Criminal Jurisdiction in the Province of Quebec.

WHEREAS it is expedient that public Officers should be established in the several Parishes of this Province, under the Denomination of Peace Officers; It is Enacted and Ordained, by his Excellency the Governor and the Legislative Council, That all and every the Captains, and other Officers of Militia in the said several Parishes of this Province, duly commissioned by his Excellency the Governor, or the Commander in Chief for the Time being, and likewise the Serjeants named and appointed by the said Captains, and other Officers in the respective Parishes, be, and they are hereby declared to be Public and Peace Officers within their respective Parishes, and authorized and enjoined to do and exercise all and singular the Duties and Services of Public and Peace Officers within their respective Parishes according to Law.

Peace Officers appointed in the Country Parishes.

The same, to be appointed for the Towns.

And be it further Enacted by the same Authority, That it shall be lawful for the Commissioners, or Justices of the Peace, assembled in Quarter Sessions, or by a Majority of the same, and they are hereby required, as soon as conveniently may be, to name and appoint such and so many Persons as they may think sufficient, within the Towns and Banlieues of Quebec and Montreal, for carrying into Execution the Orders and Décrees of the several Courts, and to preserve the Public Peace therein, every of which Persons so appointed shall faithfully perform the Duties of the Offices for which he may be so appointed for the Space of One Year; previous to the Expiration whereof it shall be the Duty of the said Commissioners

missioners or Justices of the Peace Annually to appoint others to serve in their Stead, and to increase or diminish the Number first appointed, as to them shall appear to be most for the Public Weal and Safety; and that no such Appointment shall be valid in Quebec or Montreal, and their Banlieues respectively, in the Case of a Civil or Military Officer, or any Person in Priest's Orders, or in the Profession or Practice of Physic or Surgery, or any Miller, Ferryman, Schoolmaster, or Student of any College or Seminary, or any Person not of full Age; and for neglecting or refusing to perform the said Office or Offices there shall be the Forfeiture of Twenty Pounds, to be recovered in any Court of Record, with Costs of Suit, by Bill, Plaint, or Information, in which no Essoign, Wager of Law, or any more than One Imparlançe, shall be allowed.

(Signed) DORCHESTER.

Enacted and Ordained, by the Authority aforesaid, and passed in Council under the Public Seal of the Province, at the Council Chamber in the Castle of St. Louis, in the City of Quebec, the 30th Day of April, in the Twenty-seventh Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord 1787.

By his Excellency's Command,
(Signed) J. WILLIAMS, C. L. C.

N° 45.

The Quebec Gazette, Thursday, May 7th, 1789.

Anno Vicefimo-nono Georgii Tertii Regis.

Chap. III.

An ACT to continue the Ordinances, regulating the Practice of the Law, and to provide more effectually for the Dispensation of Justice, and especially in the New Districts.

Passed 30th
April 1789.
J. Williams,
C. L. C.

BE it Enacted by his Excellency the Governor and the Legislative Council, and it is hereby Enacted by the Authority of the same, That the Act intituled, "An Ordinance to regulate the Proceedings in the Courts of Civil Judicature, and to establish Trials by Juries in Actions of a Commercial Nature, and Personal Wrongs, to be compensated in Damages," passed in the Twenty-fifth Year of His Majesty's Reign, together with the Act continuing the same, with additional Regulations, passed in the

Continuation
of the Two
former Ordinances.

Twenty-

Twenty-seventh Year of His Majesty's Reign, be continued until the Thirtieth Day of April, which will be in the Year of Our Lord One thousand Seven hundred and Ninety-one, and no longer.

Qualification of Jurors in the Five New Districts.

2d. And the better to adapt the general Provision to the present Condition of the Province, lately divided into the Five New Districts of Gaspé, Lunenburg, Mecklenburg, Nassau, and Hesse, Be it further Enacted by the same Authority, That it shall be no Exception or Challenge to a Juror, on any Inquest or Trial in either of the said New Districts, that he is not a Freeholder, if such Juror, being otherwise qualified, shall have been for One Year the actual Occupant of One hundred Acres of Land, under the Permission or Authority of the Government, within the District for which he is summoned, and shall have had a Certificate thereof, signed by the Governor or Commander in Chief for the Time being, or under the Signature of the Surveyor General, or Deputy Surveyor General, or any Deputy of them, or either of them.

Powers of the First Judge for the District of Hesse.

3d. And be it also Enacted by the same Authority, that until the Bench of the Court of Common Pleas for the District of Hesse shall have Three Judges duly appointed to officiate thereon, all the Powers and Authorities of the whole Number shall be vested in such Person as shall have a Commission to be the First Judge thereof; any other Law, Act, or Ordinance to the contrary notwithstanding.

On Criminal Prosecutions in the New Districts, Execution to be suspended when, &c.

4th. And on Account of the Remoteness of the said New Districts, and for the Security of the Subject, and to prevent long Imprisonments, and to lessen the public Charges in Criminal Prosecutions, Be it further Enacted by the same Authority, that on all Trials to be had in either of the New Districts before Commissioners of Oyer and Terminer or General Gaol Delivery, when the Chief Justice of the Province may happen not to be one, the Execution of the Sentence or Judgment of the Court shall be suspended until the Pleasure of the Governor or Commander in Chief for the Time being shall be signified thereon, by Warrant under his Hand and Seal at Arms.

Copies of the Proceedings to be transmitted to the Governor.

5th. And to the End that the Government may have full Information of the Proceedings of the said Courts of Criminal Jurisdiction, Be it also Enacted by the same Authority, That it shall be the Duty of the said Courts, with all convenient Speed, to transmit to the Governor for the Time being, not only Copies of the Indictment, Information, or Charge, and of the Plea, and other Proceedings, in every Cause before them had, but of the written and parol Testimony read and given to the Jury, and the Scope and Substance of the Points ruled in Evidence, and of their Charge to the Jury, and Copy of the Verdict, and of every material Transaction in the Cause, together with such Observations as they may think proper to make on every such Cause and Trial, and the Whole under the Signatures of the Majority of the Judges before whom every such Trial was had.

Proviso.

Provided always, and be it nevertheless Enacted by the same Authority, That it shall not be necessary to make such Report of the Proceedings, nor to stay the Execution of the Sentence or Judgment in any Case, where it shall not extend to Life or Limb, nor to any greater Fine, Penalty, or Forfeiture.

Forfeiture, than the Sum of Twenty-five Pounds Sterling, Money of Great Britain.

And wherev'er so great a Sum shall be adjudged for a Fine, Forfeiture, or Penalty in any Court of Sessions of the Peace, to be held in either of the said New Districts, Execution shall in like Manner be stayed, until such Information is given to the Government, by the major Part of the Justices before whom the Trial was had, or Judgment given, as is above directed to be given by the Courts of Oyer and Terminer, and General Gaol Delivery, except that it shall not be necessary in such Courts of Sessions to reduce to Writing all the Testimony that may be given to the Jury on Trials before them had, but that instead thereof it shall suffice to report only the main Scope and Substance thereof, and that the Execution in every Case to the Amount aforesaid, given by either of the Courts of Sessions of the Peace of the said New Districts, shall also await the Signification of the Pleasure of the Governor or Commander in Chief in the Manner aforementioned.

Cases where Execution shall be stayed, upon Fines, &c. adjudged.

Exception.

6th. And be it also Enacted by the same Authority, That until the New Districts aforesaid shall be furnished with safe Gaols and Prisons, and as often as the Majority of the Commissioners of such Courts of Oyer and Terminer, and General Gaol Delivery, sitting therein, shall conceive it to be unsafe to continue within their District any Prisoner convicted before them of a Capital Offence, they may take Course for conveying him to such other of His Majesty's Prisons as they may designate, for his being safely kept to abide the Judgment of the Law; and the Sheriff and Gaoler, Bailiffs, and Officers, to whom any such Traitor or Felon shall have been delivered, shall be respectively answerable for the Prisoner, and upon his Escape shall severally be subject to all such Punishments, Pains, Penalties, and Forfeitures, as they would respectively have incurred, had such Prisoner received such Judgment upon a Conviction for the like Offence committed within the Bailiwick for which they serve.

Persons convicted of a Capital Offence in the New Districts may be conveyed to any of His Majesty's Prisons.

7th. And whereas the Detention of Prisoners until the Sitting of the Court of King's Bench, or the Sitting of Commissioners of Oyer and Terminer, and General Gaol Delivery, hath been very burthenfome to the Public, and is likely to be encreased by the Insufficiency of the Gaols in the Old Districts, and the total Want of them in the New Districts; and it often happens that Persons committed for simple Larcenies are either acquitted, or only found guilty of Petty Larceny:

Be it therefore Enacted by the same Authority, That Simple Larceny, where the Goods stolen shall not in Value exceed Twenty Shillings Sterling Money of Great Britain, shall be deemed and adjudged only Petty Larceny; and whenever any Person shall stand committed to Gaol for no higher Offence than a Breach of the Peace, or Petty Larceny, and shall not, within Forty-eight Hours after his Commitment find Bail sufficient, in the Opinion of any One Justice of the Peace, for his Appearance at the next Sessions of the Peace for the District where the Offence is charged to be committed, it shall be lawful for any Three Justices of the Peace (One of whom shall be of the Quorum) to meet and cause the Offender to be convened before them, at some Public and convenient Place, and then and

Petty Larceny extended to Twenty Shillings Sterling.

Three Justices of the Peace (One being of the Quorum)

empowered to hear and determine Breaches of the Peace and Petty Larceny.

there, or at such other Time and Place to which they may adjourn, to hear the Charge and Defence, with the Evidence for and against the Prisoner, and to determine the same, and upon their Conviction of the Guilt of the Prisoner to give Judgment against him for, such Corporal Punishment (not extending to Life or Limb) as they, or the major Part of them, shall in their Discretion think adequate to the Demerit of his Offence, and that after the Execution thereof the Offender shall be discharged; but if he shall not have been a stated Resident of the Province for Twelve Months preceding his Commitment, and shall in Twenty Days after his Discharge be found within the same District, and shall wilfully have remained within the same, it shall be lawful for any One Justice to commit him to Prison, and for Three Justices to proceed against him in Manner aforesaid, and to adjudge him to such further Correction (not extending to Life or Limb) as they in their Discretion shall think proper, unless he shall find good and sufficient Sureties, in the Opinion of the Justices by whom he shall be tried, to recognize in such Sum as they shall appoint, for his good Behaviour for Seven Years, on giving which he shall be set at Liberty, and the Recognizance be filed with the Clerk of the Peace.

Gaolers and Peace Officers to aid and assist.

And all Gaolers, Constables, and Peace Officers, when thereunto required, shall be aiding and assisting to the Justices employed in the said Service, under the Penalty of Ten Shillings for every Default, to be recovered before any One Justice of the Peace in a summary Way, by Warrant of Distress and Sale of the Offender's Goods and Chattels, returning the Overplus to the Owner, if any there be, after deducting the Penalty, and the Costs, One Half of which Penalty shall belong to the Person suing for the same, and the other to the Crown, and be forthwith paid by the Officer executing the said Warrant into the Hands of His Majesty's Receiver General.

8th. And inasmuch as the Annual Collection of the Trade will require Yearly Circuit Courts to be held in the Northern Parts of the District of Hesse :

Terms, &c. for the District of Hesse, how to be ascertained.

Be it also Enacted by the same Authority, That it shall be lawful for the Governor or Commander in Chief for the Time being, by Proclamation to be issued under the Great Seal of this Province, by and with the Advice of His Majesty's Council, to ascertain the Terms of such Sessions, and the Cognizance of the Causes there to be tried and adjudged, and the Mode of proceeding therein, and whatever shall appear to be requisite for the effectual Administration of Civil Justice at such Circuit Courts, or the perfecting the Business thereof in any other Court of the said or any other District; this Act, and any other Law, Usage, or Custom to the contrary thereof notwithstanding.

Jurisdiction of the Civil Courts in the District of Hesse, relating to Domicile.

9th. And be it further Enacted by the same Authority, That in Civil Actions to be instituted in the District of Hesse, it shall not be a Ground of Exception of any Kind whatsoever to oust the Courts of the said District of Jurisdiction, that the Cause of Action arose out of the same, or that by Reason of the Domicile of the Defendant it ought to be brought elsewhere, but that all the Proceedings in Causes there instituted, and the Judgment and Execution thereon, shall be deemed and adjudged to have the like Force,

Force, Effect, and Consequences, in all Respects whatsoever, as if the Cause of Action and Ground of Defence had arisen, and all Transactions relating to the same had happened within the said District of Hesse.

10th. And forasmuch as, for Want of a regular Magistracy, and an Establishment for the convenient Dispensation of Justice in the District of Hesse, Attempts may be made to elude the Payment of just Debts, under Pretext of the Laws of Prescription or Limitation, which presuppose a State of general Tranquillity, and the easy and free Course of Justice :

Be it also Enacted by the same Authority, That every such Plea or Defence under the Laws of Prescription or Limitation be adjudged to be null and void in every Cause to be instituted in the Courts of the said District of Hesse, except in Actions and Cases accruing posterior to the First Day of January which will be in the Year of Our Lord One thousand Seven hundred and Ninety :

Particular Limitation of Actions in the District of Hesse.

Provided always, and be it Enacted, That nothing herein contained shall be construed to revive a Demand for Cause of Action arisen prior to the First Day of January, in the Year of our Lord One thousand Seven hundred and Eighty-six.

Proviso.

11th. And whereas the Western Districts of Luneburg, Mecklenburg, Nassau, and Hesse are, and also the District of Gaspé probably will be, chiefly inhabited by Persons born within the ancient Dominions of the Crown of Great Britain :

Be it further Enacted by the same Authority, That in Civil Causes, hereafter to be tried or adjudged and determined in either of the said New Districts, where the Title to the Freehold shall not come into Question, no Proof offered in such Cause shall be deemed to be inadmissible, that would be sufficient to sustain the Point for which the same is offered, either by the ancient or present Laws of the Province, or by the Laws of England.

Proofs admissible in the Five New Districts.

12th. Where Moveables shall be taken in Execution by the Sheriff of the District of Hesse, Luneburg, Mecklenburg, or Nassau, or Gaspé, he shall cause such Seizure to be published at the Church Door of the Parish immediately after Divine Service, on the First Sunday succeeding such Seizure ; or if there be no Church in the Township or Parish, then such Seizure shall be notified by Publication or Advertisement in Writing affixed to the Door of the Court House of the District, and also at the nearest Grist Mill, as soon as may be after such Seizure ; and the said Notification shall design the Day and Place where and when he means to proceed to the Sale thereof, not protracting such Sale beyond Fourteen Days from the Date of such Publication : And when Lands and Tenements shall be taken in Execution by the Sheriff of either of the said Districts, he shall advertise the Sale by Three several Publications in Writing, to be fixed at the Door of the Court House of the District, and in some ostensible Place in the Office of Clerk of the Court whence the Execution issued, and at the nearest Grist Mill, such Notice to be renewed the First Monday of Three successive Months preceding the Sale, which shall not take Place in less than Four Months after the Date of the First Publication.

Sale of Moveables in the New Districts.

Sale of Real Estates.

In Personal Actions, no Exception to be taken by Reason of the Domicile of the Defendant.

13th. Be it further Enacted by the same Authority, That in all Personal Actions to be instituted in any of the Districts in this Province It shall not be a legal Exception that the Cause of Action arose out of such District, or that by Reason of the Domicile of the Defendant it ought to be brought elsewhere ; but that all the Proceedings in such Actions, and the Judgments and Executions thereon, shall be deemed and adjudged to have the like Force and Effect in every Respect as if the Cause of Action and Ground of Defence had arisen, and all Transactions relating thereto had happened, in the District where the Action is instituted, any Law, Usage, or Custom to the contrary notwithstanding.

Executions to issue from One District to the other.

14th. And be it Enacted by the same Authority, That the Course and Power given by the said Act, intituled, " An Ordinance to regulate the Proceedings in the Courts of Civil Judicature, and to establish Trials by Juries in Actions of a Commercial Nature, and Personal Wrongs, to be compensated in Damages," for perfecting the Execution of a Judgment out of the District where the same was rendered, shall be pursued in every old or new District of the Province,

Appeals from the New Districts.

15th. And that Parties adjudged in the said New Districts may not be deprived of their Right and Benefit of Appeal :

Be it further Enacted by the same Authority, That the giving Security as heretofore used on the bringing of a Writ of Appeal, shall as effectually suspend Execution in Causes of the said Districts, as in the Old Districts on the actual Production of a Writ of Appeal, such Appellant in all other Respects conforming to the Law of Appeals as it now stands, and suing out, within Twenty Days after Judgment, an Office Copy of the Proceedings in the Cause adjudged ; which, to prevent Delays, shall be as effectual before the Appellate Jurisdiction as if transmitted according to the present Law and Usage in Appeals from the Common Pleas Courts of the Old Districts.

DORCHESTER.

N° 46.

DESCRIPTION of the intended Boundary Line between
the Provinces of Upper Canada and Lower Canada.

THE Boundary Line to run due South, from a Stone Boundary fixed on the North Bank of the Lake Saint Francis, in a Cove of the River Saint Lawrence, West of Point au Boudet, in the Limit between the Township of Lancafter and the Seigniory of New Longueuil, to the Southernmost Extent of His Majesty's Dominions, and in a Northerly Direction from the aforesaid Stone Boundary, along the Western or Inland Bounds of the said Seigniory of New Longueuil, and of the Seigniory of Vaudreuil, according to the various Courses, until it strikes the Ottawa's River; thence in a direct Line to the nearest Point in the Centre of the Navigable Channel of the said River; thence, ascending the Middle of the Navigable Channel of the said River, to the Lake Temiscaming; thence, through the Middle of the said Lake, to the most Northerly Extremity thereof; and thence, running due North, to the Boundary of the Territory granted to the Merchants Adventurers of England trading to Hudfon's Bay.

