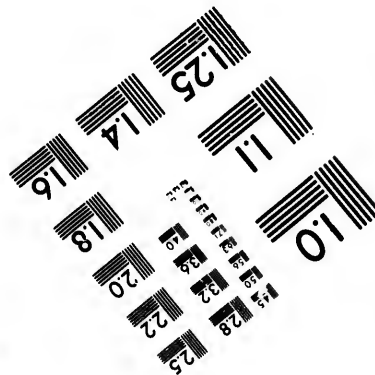
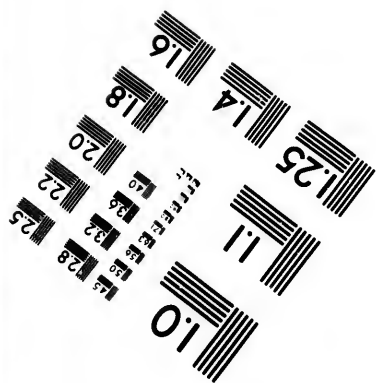
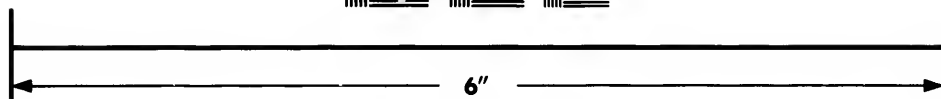
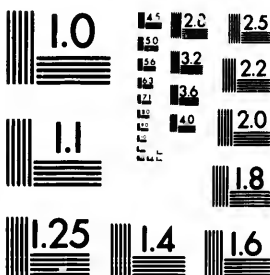


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

1.8 2.0 2.2 2.5
3.6 4.0 4.5 5.0
6.0 8.0 10.0 12.8

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

01
05
1.8 2.0 2.2 2.5
3.6 4.0 4.5 5.0
6.0 8.0 10.0 12.8

© 1982

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/
Couverture de couleur
- Covers damaged/
Couverture endommagée
- Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- Cover title missing/
Le titre de couverture manque
- Coloured maps/
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- Bound with other material/
Relié avec d'autres documents
- Tight binding may cause shadows or distortion
along interior margin/
La reliure serrée peut causer de l'ombre ou de la
distortion le long de la marge intérieure
- Blank leaves added during restoration may
appear within the text. Whenever possible, these
have been omitted from filming/
Il se peut que certaines pages blanches ajoutées
lors d'une restauration apparaissent dans le texte,
mais, lorsque cela était possible, ces pages n'ont
pas été filmées.
- Additional comments:/
Commentaires supplémentaires:

- Coloured pages/
Pages de couleur
- Pages damaged/
Pages endommagées
- Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached/
Pages détachées
- Showthrough/
Transparence
- Quality of print varies/
Qualité inégale de l'impression
- Includes supplementary material/
Comprend du matériel supplémentaire
- Only edition available/
Seule édition disponible
- Pages wholly or partially obscured by errata
slips, tissues, etc., have been refilmed to
ensure the best possible image/
Les pages totalement ou partiellement
obscurcies par un feuillet d'errata, une pelure,
etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The c
to the

The i
poss
of the
filmi

Origi
begin
the la
sion,
other
first
sion,
or illu

The l
shall
TINU
which

Maps
differ
entire
begin
right
requi
meth

The copy filmed here has been reproduced thanks to the generosity of:

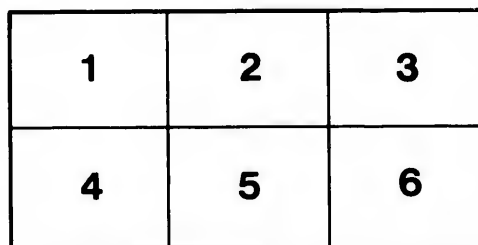
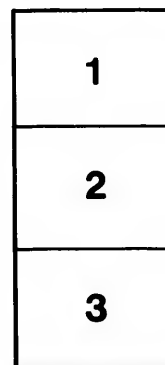
Library of the Public
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

A

A

Pro

An

==

Sold

A N
A C C O U N T
O F T H E
P R O C E E D I N G S
O F T H E
B R I T I S H,
And other Protestant Inhabitants,
O F T H E
Province of QUEBECK,
In NORTH-AMERICA,

In order to obtain
An HOUSE of ASSEMBLY
In that PROVINCE.

L O N D O N :
Sold by B. WHITE, at Horace's Head, Fleet-Street.

MDCCCLXXV.

1775

F
5425
M38

TH

I

abo
Kin
Aff
cur
the
of
ven
con

A N
A C C O U N T
O F

The PROCEEDINGS of the British and other Protestant Inhabitants of the Province of Quebeck in North America, in order to obtain an House of Assembly in that Province.

IN the month of October 1773, the British, and other Protestant inhabitants of the province of Quebeck, having waited above ten years for the accomplishment of the King's promise of granting them a House of Assembly, as soon as the situation and circumstances of the said province would admit thereof, contained in the royal proclamation of October 7, 1763; and finding the inconveniencies of being without a regular and constitutional legislature; and being of opi-

nion, that the situation and circumstances of the province did admit the calling an assembly, and make the doing so not only practicable, but in a high degree expedient; they held meetings together to confer about preparing petitions both to his majesty's servants in the province, and to his majesty himself, in order to obtain one. And on this occasion they invited his majesty's new subjects, the Canadian, or French, inhabitants of the province, to join with them in their consultations upon this subject. The account they have transmitted of these consultations is as follows.

‘ **A**T a meeting of the British inhabitants
 ‘ of the province of Quebeck, at the
 ‘ house of Miles Prenties, innholder, in the
 ‘ upper town, Quebeck, October 30, 1773,
 ‘ being Saturday :

‘ Mr. John M'Cord, on holding up hands,
 ‘ was chosen president.

‘ The first question, Whether it is not ex-
 ‘ pedient to petition for a House of Assem-
 ‘ bly.

‘ Answer, Yeas 38, to 3 Nays.

‘ Resolved, That a committee of eleven be
 ‘ appointed, and that seven of the said number
 ‘ may be esteemed a full committee (in case
 ‘ any of the gentlemen named should be sick
 ‘ or out of town) to draw up a petition, and
 ‘ lay it before another general meeting.

‘ And

‘ And the following gentlemen were accordingly voted to form the said committee, viz.

‘ William Grant,	Jenkin Williams,
‘ John Wells,	Thomas Walker,
‘ Charles Grant,	John Lees,
‘ Malcolm Frazer,	Zachary Macaulay,
‘ Anthony Vialars,	John M‘Cord.
‘ Peter Fargues,	

‘ The committee then appointed to meet at Mr. Prenties’s on Tuesday next at four o’clock in the afternoon.

‘ Malcolm Frazer was chosen secretary to the committee.

‘ Resolved, That a copy of these minutes be sent by the committee to the gentlemen of Montreal.

‘ Nov. 2, 1773, at Prenties’s.

‘ A majority of the committee having accordingly met, viz.

‘ Thomas Walker,	William Grant,
‘ Charles Grant,	Jenkin Williams,
‘ John Lees,	Zachary Macaulay,
‘ John M‘Cord	Malcolm Frazer.

‘ The committee, judging it to be regular first to present a petition to the lieutenant-governour in council, and not in the first instance to the king, have

‘ Resolved,

‘ Resolved, That a petition be addressed
 ‘ and presented to the lieutenant-governour in
 ‘ council; and, a draft of such petition hav-
 ‘ ing been accordingly framed, it was fur-
 ‘ ther resolved, That it be translated into
 ‘ French, and that some of the principal
 ‘ French inhabitants be requested to meet the
 ‘ committee at four o’clock on Thursday
 ‘ evening next at Prenties’s.

‘ Resolved, That a copy of the above pro-
 ‘ ceedings, with a copy of the petition above-
 ‘ mentioned, be transmitted to Montreal by
 ‘ next post, and addressed to Mr. Gray, to
 ‘ be communicated to the inhabitants of
 ‘ Montreal.

Copy of a letter of invitation sent to the Cana-
 dian gentlemen, dated Nov. 2, 1773.

‘ Messieurs,

‘ **L**ES affaires et la situation actuelle de la
 ‘ province ayant besoin que ses habitans
 ‘ y portent quelque attention; et nous sou-
 ‘ signés ayant été nommés par une nombreuse
 ‘ assemblée des anciens sujets de sa majesté
 ‘ comme un corps de committé pour faire
 ‘ quelque chose à cet égard: Nous vous in-
 ‘ vitons de nous rencontrer au taverne de
 ‘ Prenties jeudi à quatre heures apres midi,
 ‘ afin de vous communiquer nos idées, et de
 ‘ sçavoir les votres, sur des matières qui nous
 ‘ intéressent également. Nous avons l’hon-
 ‘ neur d’être, &c.’

N. B.

N. B ‘ This letter was signed by the whole
 ‘ eleven members of the committee, and ad-
 ‘ dressed to Messieurs De La Naudiere, De
 ‘ Rigauville, De Lery, Cugnet, Perrault,
 ‘ Duchenay, Descheneaux, Tascherau, Compte
 ‘ du Pres, Frémont, Perras, Marcoux, Ber-
 ‘ thelot, and Dufau, of Quebeck, and to
 ‘ Monsieur Tonnancourt, of Trois Rivieres,
 ‘ then at Quebeck.

‘ Nov. 4, 1773, at Prenties’s.

‘ The following members of the committee
 ‘ having met, viz.

‘ Jenkin Williams,	William Grant,
‘ Charles Grant,	John M‘Cord,
‘ John Lees,	Malcolm Frazer,
‘ Zachary Macaulay,	Thomas Walker.
‘ John Wells,	

‘ And the following French gentlemen
 ‘ having attended this meeting in consequence
 ‘ of the invitation sent them, viz.

‘ Monf. Descheneaux,	Monf. Tonnancourt,
‘ ----- Marcoux,	----- Perras,
‘ ----- Cugnet,	----- Berthelot,
‘ ----- Perrault,	----- Comte du Prés.

‘ Mr. William Grant was chosen chairman
 ‘ of the committee, and a translation into
 ‘ French of the petition intended to be pre-
 ‘ sented to the lieutenant-governour being
 ‘ read, the opinion of the French gentlemen
 ‘ present

‘ present was required as to the measure under consideration: and, after some conversation on the subject, the question being put, Whether they think it necessary (from what has been debated) to convene their fellow-citizens, it was unanimously voted in the affirmative.

‘ Mr. Descheneaux and Mr. Perras have undertaken to convene the new subjects at two o’clock on Saturday next.

‘ The committee to meet on Monday next at Prenties’s at six o’clock in the evening.

‘ Nov. 8, 1773.

‘ The following gentlemen met at Prenties’s.

‘ Mr. Williams,	Mr. Walker,
‘ Mr. Wm. Grant,	Mr. M ^c Cord,
‘ Mr. Lees,	Mr. Wells.
‘ Mr. Frazer,	

‘ It was resolved to write a letter to Mr. Descheneaux, to beg he would let the committee know if the new subjects had taken any measures in consequence of what was communicated to them at the last meeting, and what those measures were. But, Mr. Descheneaux being out of town, the letter was sent to Mr. Perras, who returned the answer annexed.

‘ Resolved, That a letter be sent by the committee to Francis Maseres, Esq; in-
‘ closing

‘ closing the above minutes with a draft of
 ‘ the petition.

‘ The committee to meet when summoned
 ‘ by the secretary; as the business will depend
 ‘ on the letters to be received from Montreal.

Copy of the letter wrote to Mr. Perras,
 Nov. 8, 1773.

‘ Monsieur,

‘ **L**ES Messieurs du committé assemblés
 ‘ chez Prenties vous prient d'avoir la
 ‘ bonté de les informer si les nouveaux sujets
 ‘ ont pris quelques mesures sur ce qui vous
 ‘ a été communiqué Jeudi dernier; et si vous
 ‘ pouvez leur faire part de résolutions prises
 ‘ par vos concitoyens, vous obligerez beau-
 ‘ coup ces messieurs. On attend l'honneur
 ‘ de vôtre réponse par le porteur: et j'ai
 ‘ l'honneur d'être,

‘ Monsieur,

‘ Vôtre tres humble serviteur,

Signè, MALCOLM FRASER.

Follows Mr. Perras's answer.

‘ Monsieur, Quebec, le 8 9^{bre} 1773.

‘ **L**E départ précipité des vaisseaux pour
 ‘ l'Europe ne m'a pas permis de répondre
 ‘ suivant mes désirs aux attentions de messieurs
 ‘ du committé. Cependant j'ai vû quelques
 ‘ uns

C

‘ uns de mes concitoyens, qui ne me paroissent
 ‘ pas disposés a l’assemblée, comme quelques
 ‘ uns d’entre nous le voudroient. Le grand
 ‘ nombre l’emporte, et le petit est réduit a
 ‘ prendre patience. J’ai l’honneur d’être, &c.

A true copy. MALCOLM FRASER,

Secretary to the committee.

After this refusal of the French inhabitants
 of the province to join with them in their
 petitions for an assembly, the British and
 protestant inhabitants resolved to proceed in
 this business by themselves, and without the
 concurrence of the others, lamenting that a
 spirit of jealousy had prevented them from
 uniting with the English in a measure which
 would have tended to the common benefit of
 them all. The British and protestant inhabi-
 tants therefore resolved, without further he-
 sitation, to apply to his majesty for the accom-
 plishment of the royal promise above-men-
 tioned, by establishing an house of assembly
 in the province. But first, as the governour
 of the province, and, in case of his absence,
 the lieutenant-governour of it, had, by the
 commission of the governour, a power to sum-
 mon an assembly, they thought it most regu-
 lar to make an application for this purpose to
 Hector Theophilus Cramahé, Esq; who was
 at that time lieutenant-governour of the pro-
 vince ;

vince; general Carleton, who was the governour in chief, being then in England. Accordingly, on the 3d of December, 1773, they presented to him the following petition.

- To the honourable Hector Theophilus
• Cramahé, Esq; his majesty's lieutenant-
• governour and commander in chief of the
• province of Quebeck in council.
- The petition of the subscribers, his majesty's
• antient subjects, the freeholders, mer-
• chants, traders, and other inhabitants of
• the said province,

• Humbly sheweth,

- **T**HAT whereas his most excellent ma-
• jesty, by his royal proclamation, bear-
• ing date at St. James's the 7th day of Octo-
• ber 1763, (out of his paternal care for the
• security of the liberty and properties of those
• who then were, or should thereafter become,
• inhabitants of the four severall governments
• therein mentioned) did publish and declare,
• That he had, in the letters patent under the
• great seal of Great-Britain, by which the
• said governments were constituted, been
• graciously pleased to give exprefs power and
• direction to his governours, that so soon as
• the state and circumstances of those go-
• vernments would admit thereof, they should,
• with the advice and consent of the members

‘ of his councils, summon and call general
 ‘ assemblies within the said governments :
 ‘ And that he had been graciously pleased to
 ‘ give power to his said governours, with the
 ‘ consent of his said councils, and the repre-
 ‘ sentatives of the people, to make, constitute,
 ‘ and ordain laws, statutes, and ordinances,
 ‘ for the public peace, welfare, and good
 ‘ government of those provinces, and of the
 ‘ people and inhabitants thereof. And whereas
 ‘ his most excellent majesty, in pursuance of
 ‘ his said royal proclamation, by his letters
 ‘ patent to his governours, has been graciously
 ‘ pleased to give and grant unto them full
 ‘ power and authority, with the advice and
 ‘ consent of his said councils, under the cir-
 ‘ cumstances aforesaid, to call general assem-
 ‘ blies of the freeholders and planters within
 ‘ their respective governments. And also,
 ‘ whereas your petitioners (who have well
 ‘ considered the present state and condition of
 ‘ the province) do humbly conceive, that a
 ‘ general assembly of the people would very
 ‘ much contribute to its peace, welfare, and
 ‘ good government, as well as to the im-
 ‘ provement of its agriculture, and the ex-
 ‘ tension of its trade and navigation ; they do
 ‘ therefore most humbly pray your honour
 ‘ (with the advice and content of his majesty’s
 ‘ council) to summon and call a general
 ‘ assembly of the freeholders and planters
 ‘ within your government, in such manner as
 ‘ you in your discretion shall judge most proper.
 ‘ Signed,

Signed,

- ‘ Alexander Frazer,
 - ‘ Simon Frazer,
 - ‘ Adam Lymburner,
 - ‘ Alexander Davison,
 - ‘ Murdoch Stuart,
 - ‘ Daniel Morrison,
 - ‘ Samuel Jacobs,
 - ‘ John Lees, junior,
 - ‘ James Price,
 - ‘ Robert Woolfey,
 - ‘ Jacob Rowe,
 - ‘ John Renaud,
 - ‘ Michael Cornud
 - ‘ Simon Frazer; junior,
 - ‘ James Hanna,
 - ‘ Jonas Clarke, minor,
 - ‘ N. Bayard,
 - ‘ J. D. Mercier,
 - ‘ Edward Chinn,
 - ‘ John Thomson,
 - ‘ Edward Antill,
 - ‘ R. Huntley,
 - ‘ Daniel Robertson,
 - ‘ John Blake,
 - ‘ John Neagle,
 - ‘ Richard M’Neill,
 - ‘ John Burke,
 - ‘ Alexander Paterfon,
 - ‘ James M’Gill,
 - ‘ Jenkin Williams,
 - ‘ William Grant,
- ‘ John

Signed,

- ‘ John M‘Cord,
 - ‘ P. Fargues,
 - ‘ Charles Grant,
 - ‘ Malcolm Frazer,
 - ‘ Zachary Macaulay,
 - ‘ John Wells,
 - ‘ John Lees,
 - ‘ James Tod,
 - ‘ James Cumming,
 - ‘ Alexander Martin,
 - ‘ D. Lynd,
 - ‘ John Lynd,
 - ‘ Daniel Gallway,
 - ‘ Daniel Munro,
 - ‘ George King,
 - ‘ James Dyer White,
 - ‘ Lawrence Ermatinger,
 - ‘ William Haywood,
 - ‘ James Finlay,
 - ‘ William M‘Carty,
 - ‘ Joseph Toney,
 - ‘ Alexander Henry,
 - ‘ James Bindon,
 - ‘ Alexander Hay,
 - ‘ Joseph Howard,
 - ‘ George Singleton,
 - ‘ Levy Solomons,
 - ‘ Richard Dobie,
 - ‘ John Lilly,
 - ‘ Richard Murray,
 - ‘ Randle Meredith,
- ‘ Robert

Signed,

- ‘ Robert Wilcocks,
- ‘ J. Melvin,
- ‘ R. Hope,
- ‘ Henry Boone,
- ‘ John W. Swift,
- ‘ Charles Hay,
- ‘ Charles Lemarchant,
- ‘ Thomas M^cCord,
- ‘ James Sinclair,
- ‘ Peter Mills,
- ‘ John Halsted,
- ‘ Lauchlin Smith,
- ‘ James Gordon,
- ‘ Ralph Gray, -
- ‘ Edward William Gray,
- ‘ Thomas M^cMurray,
- ‘ James Morrison,
- ‘ George Meafam,
- ‘ J. Maurer,
- ‘ Thomas Walker, jun.
- ‘ John Wharton,
- ‘ Jacob Vanderheyden,
- ‘ Thomas Walker,
- ‘ John Cape,
- ‘ Samuel Holmes,
- ‘ John Dumoulin,
- ‘ Ezekiel Solomons,
- ‘ Alexander Henry.

‘ To

To this petition the said lieutenant-governour returned for answer, on the 11th day of the same month of December 1773, that the subject of it was a matter of too much importance for his majesty's council of the said province to advise, or for him to determine upon, at a time that, from the best information he had received, the affairs of the said province were likely to become the object of public regulation in England.

Upon the receipt of this answer from the said lieutenant-governour, (which indeed was no other than they had expected,) the petitioners determined to prepare another petition to be presented to his majesty himself for the same purpose. They accordingly did prepare such a petition, together with a memorial to the earl of Dartmouth, his majesty's secretary of state for America; which were as follows.

‘ To the king’s most excellent majesty.

‘ The most humble petition of the subscribers,
 ‘ your majesty’s antient and loyal subjects,
 ‘ freeholders, merchants, and planters, in
 ‘ the province of Quebeck, in North-
 ‘ America,

‘ Sheweth,

‘ **T**HAT whereas your majesty, by your
 ‘ royal proclamation, bearing date at
 ‘ Saint James’s the seventh day of October,
 ‘ one thousand seven hundred and sixty-three,

‘ was

“ was most graciously pleased to publish and
 “ declare, “ that out of your majesty’s pa-
 “ ternal care for the security of the liberty
 “ and properties of those who then were, or
 “ should thereafter become inhabitants of
 “ the four several governments therein men-
 “ tioned (of which this your majesty’s pro-
 “ vince was denominated to be one) your
 “ majesty had in the letters patent, by which
 “ the said governments were constituted,
 “ given express power and direction to your
 “ governours, that so soon as the state and
 “ circumstances of those governments would
 “ admit of it, they should, with the advice
 “ of your majesty’s councils, summon and
 “ call general assemblies within the said go-
 “ vernments respectively, in such manner and
 “ form as is used and directed in those colo-
 “ nies and provinces in America, which are
 “ under your majesty’s immediate govern-
 “ ment. And also, that your majesty had
 “ been graciously pleased to give power to
 “ your said governours, with the consent of
 “ your majesty’s said councils, and the re-
 “ presentatives of the people so to be sum-
 “ moned as aforesaid, to make, constitute,
 “ and ordain laws, statutes, and ordinances,
 “ for the public peace, welfare, and good
 “ government of your majesty’s said colonies,
 “ and of the people and inhabitants thereof;
 “ as near as might be agreeable to the laws
 “ of England, and under such regulations and
 D “ restrictions

“ restrictions as are used in other colonies.”
 ‘ And whereas it has graciously pleased your
 ‘ majesty, in the letters patents of com-
 ‘ mission to your captain-general, and go-
 ‘ vernour in chief, and in case of his death, or
 ‘ during his absence, in the letters patent of
 ‘ commission to your majesty’s lieutenant-
 ‘ governour of this province, to give and grant
 ‘ unto him full power and authority, with
 ‘ the advice and consent of your majesty’s
 ‘ council, so soon as the situation and circum-
 ‘ stances of this province would admit of it,
 ‘ and when and as often as need should re-
 ‘ quire, to summon and call general assem-
 ‘ blies of the freeholders and planters, within
 ‘ this government, in such manner as he in
 ‘ his discretion should judge most proper.
 ‘ And whereas your petitioners, whose pro-
 ‘ perties, real and personal, in this province,
 ‘ are become very considerable, having well
 ‘ considered its present state and circumstan-
 ‘ ces, and humbly conceiving them to be such
 ‘ as to admit the summoning and calling a
 ‘ general assembly of the freeholders and
 ‘ planters; did, on the third day of December
 ‘ last past, present their humble petition to
 ‘ the honourable Hector Theophilus Cra-
 ‘ mahé, Esq; your majesty’s lieutenant-go-
 ‘ vernour, and now commander in chief,
 ‘ stating as above, and humbly praying, that
 ‘ he would be pleased, with the advice and
 ‘ consent of your majesty’s council, to sum-
 ‘ mon

‘ mon and call a general assembly of the free-
 ‘ holders and planters within this government,
 ‘ in such manner as he, in his discretion,
 ‘ should judge most proper. And your ma-
 ‘ jesty’s said lieutenant-governour, on the
 ‘ eleventh day of December last past, after
 ‘ having taken the said petition into his con-
 ‘ sideration, was pleased to inform your pe-
 ‘ titioners, that the subject of the said petition
 ‘ was a matter of too much importance for
 ‘ your majesty’s council here to advise, or for
 ‘ him, your said lieutenant-governour, to de-
 ‘ termine upon, at a time that, from the best
 ‘ information, the affairs of this province were
 ‘ likely to become an object of public regu-
 ‘ lation; but that he would transmit the said
 ‘ petition, by the first opportunity, to your
 ‘ majesty’s secretary of state.

‘ Your majesty’s petitioners being fully
 ‘ convinced, from their residence in the pro-
 ‘ vince, and their experience in the affairs
 ‘ of it, that a general assembly would very
 ‘ much contribute to encourage and promote
 ‘ industry, agriculture, and commerce, and
 ‘ (as they hope) to create harmony and good
 ‘ understanding between your majesty’s new
 ‘ and old subjects; most humbly supplicate
 ‘ your majesty to take the premises into your
 ‘ royal consideration, and to direct your ma-
 ‘ jesty’s governour or commander in chief to
 ‘ call a general assembly, in such manner,
 ‘ and of such constitution and form, as to

‘ your majesty, in your royal wisdom, shall
‘ seem best adapted to secure its peace, wel-
‘ fare, and good government.

‘ And your petitioners, as in duty bound,
‘ shall ever pray, &c.

‘ Montreal, Jan. 10,
‘ 1774.

Signed,

‘ Jenkin Williams,
‘ John Welles,
‘ Randle Meredith,
‘ Alexander Davison,
‘ John Lees, junior,
‘ N. Byard,
‘ P. Mills,
‘ John Halsted,
‘ James Tod,
‘ Arthur Davidson,
‘ John Majer,
‘ J. Melvin,
‘ Simon Frazer, junior,
‘ Duncan Munro,
‘ W. Lindsay,
‘ D. Lynd,
‘ William Laing,
‘ William Keith,
‘ Charles Hay,
‘ Daniel Morrison,
‘ Charles Grant,
‘ William Grant,
‘ Zachary

Signed,

- ‘ Zachary Macaulay,
- ‘ John M‘Cord,
- ‘ Adam Lymburner,
- ‘ John Renaud,
- ‘ Alexander Frazer,
- ‘ Jonas Clarke Minot,
- ‘ Murdoch Stuart,
- ‘ Mich. Cornud,
- ‘ Robert Woolsey,
- ‘ D. Gallway,
- ‘ Thomas M‘Cord,
- ‘ John Ross,
- ‘ John Burke,
- ‘ Francis Smith,
- ‘ Rod. Macleod,
- ‘ Godfrey King,
- ‘ John Saul,
- ‘ George Jenkins,
- ‘ Malcolm Frazer,
- ‘ John Lees,
- ‘ Alexander Martin,
- ‘ Simon Frazer,
- ‘ Henry Boone,
- ‘ Charles Lemarchant,
- ‘ John De Mercier,
- ‘ Jacob Rowe,
- ‘ James Sinclair,
- ‘ George King,
- ‘ Zachary Smith,
- ‘ John Lynd,
- ‘ James Hanna,
- ‘ John White Swift,

‘ R.

Signed,

- ‘ R. Gray,
- ‘ Robert M’Fie
- ‘ Alexander Lawfon,
- ‘ Frederick Petry,
- ‘ Francis Anderson,
- ‘ Hugh Ritchie,
- ‘ George Hipps.
- ‘ Daniel Robertson,
- ‘ John Wharton,
- ‘ Dumas,
- ✓ ‘ Samuel Morrifon,
- ‘ George Singleton,
- ‘ Alexander Paterfon,
- ‘ Charles Paterfon,
- ‘ Peter Arnold,
- ‘ Edward Antill,
- ‘ John Lilly,
- ‘ John Porteous,
- ‘ John Thomfon,
- ‘ Edward Chinn,
- ✓ ‘ G. Christie,
- ‘ Chabrand deLifle, minister,
- ‘ Pierre du Calvet,
- ‘ J. Grant.
- ‘ Alexander Hay,
- ‘ Edward William Gray,
- ‘ Richard Huntley,
- John Blake,
- ‘ James Blake,
- ‘ George Meafam,
- ✓ ‘ Richard Dobie,
- ‘ Thomas Walker,
- ‘ Thomas

Signed,

- Thomas Walker, jun.
- Richard Walker,
- William Weir,
- John Kay,
- William M'Carty,
- Lawrence Ermatinger,
- James D. White,
- Thomas M'Murray,
- James Morrison,
- Jean Bernard,
- Richard M'Neall,
- Joseph Howard,
- Jacob Vander Heyden,
- Ezekiel Solomons,
- Levy Solomons,
- James Doig,
- James Finlay,
- John Gregory,
- Benjamin Frobisher,
- Joseph Bindon,
- James M'Gill,
- John Stenhouse,
- Alexander Henry,
- Solomon Milleberges,
- William Murray,
- Alexander Henry,
- James Price,
- William Haywood,
- Jean El. Wadery,
- Hugh Tarries,
- John Sunderland,
- Samuel Edge,
- Abraham

nister,

y,

omas

Signed,

- ‘ Abraham Holmes,
- ‘ Samuel Holmes,
- ‘ Richard Livingston,
- ‘ John Richardson,
- ‘ John Jones,
- ‘ Robert Simpfell,
- ‘ James Frazer,
- ‘ James Noel,
- ‘ J. Pullman,
- ‘ Robert Crucks Shank,
- ‘ John Neagle,
- ‘ Peter Forbes,
- ‘ Allan M‘Farlin,
- ‘ John Trotter,
- ‘ Nich. Brown,
- ‘ Phillip Brichmerr,
- ‘ Edward Cox,
- ‘ Roger M‘Cormick,
- ‘ Phillip Loch,
- ‘ John Marteilhe,
- ‘ James S. Godard,
- ‘ Peter M‘Farland,
- ‘ Andrew Porteous,
- ‘ C. Dumoulin,
- ‘ G. Ycung,
- ‘ Thomas Duggan,
- ‘ J. Duggan,
- ‘ William Aird,
- ‘ John Migad, major,
- ‘ Daniel M‘Killip.

‘ To

‘ To the right honourable the earl of Dart-
 ‘ mouth, one of his majesty’s principal
 ‘ secretaries of state.

‘ The memorial of the freeholders, merchants,
 ‘ planters, and others, his majesty’s antient
 ‘ and loyal subjects, now in the province
 ‘ of Quebeck,

‘ Sheweth,

‘ **T**HAT your lordship’s memorialists, en-
 ‘ couraged by the capitulation of Ca-
 ‘ nada, confirmed by the definitive treaty of
 ‘ peace, and his majesty’s royal proclamation
 ‘ of the 7th of October, 1763, did purchase
 ‘ lands, plant, settle and carry on trade and
 ‘ commerce in this province to a very con-
 ‘ siderable amount, and to the manifest ad-
 ‘ vantage of Great-Britain, in confident ex-
 ‘ pectation of the early accomplishment of
 ‘ his majesty’s said proclamation, giving ex-
 ‘ press power and direction to his governour,
 ‘ with the advice and consent of his council,
 ‘ to summon and call general assemblies, to
 ‘ make, constitute, and ordain laws, statutes,
 ‘ and ordinances, for the publick peace, wel-
 ‘ fare, and good government of the said pro-
 ‘ vince, as near as might be agreeable to the
 ‘ laws of England. For which reasons your
 ‘ memorialists have drawn up and transmitted
 ‘ herewith, their most humble petition to
 ‘ the king, praying his majesty will, out of
 ‘ his royal and paternal care of all his dutiful
 E and

To

‘ and loyal subjects of this province, be gra-
 ‘ ciously pleaded to relieve them from the
 ‘ apprehensions they are under of their pro-
 ‘ perty being endangered, and losing the fruits
 ‘ of their labour, exposed to ordinances of a
 ‘ governour and council, repugnant to the
 ‘ laws of England, which take place before
 ‘ his majesty’s pleasure is known, and are
 ‘ not only contrary to his majesty’s com-
 ‘ mission and private instructions to his said
 ‘ governour, but, we presume, equally grie-
 ‘ vous to his majesty’s new and antient sub-
 ‘ jects.

‘ Your lordship’s memorialists further see,
 ‘ with regret, the great danger the children
 ‘ born of protestant parents are in, of being
 ‘ utterly neglected, for want of a sufficient
 ‘ number of protestant pastors, and thereby
 ‘ exposed to the usual and known assiduity of
 ‘ the Roman Catholick clergy of different
 ‘ orders, who are very numerous in this
 ‘ country, and who, from their own immense
 ‘ funds, have lately established a seminary
 ‘ for the education of youth in this province,
 ‘ which is the more alarming, as it excludes
 ‘ all protestant teachers of any science what-
 ‘ ever.

‘ Wherefore, your lordship’s memorialists
 ‘ humbly pray, that you will be pleased to
 ‘ present their said petition to his majesty,
 ‘ and also pray your lordship’s intercession and
 ‘ good offices in that behalf.

‘ And

‘ And your lordship’s memorialists, as
 ‘ in duty bound, shall ever pray.

‘ Montreal, Jan. 15,
 1774.

‘ A committee ap- ‘ pointed at a ge- ‘ neral meeting of ‘ the inhabitants ‘ of Montreal.	}	Edward. W. Gray, R. Huntley, Lawrence Ermatinger, William Haywood, James M ^c Gill, James Finlay, Edward Chum.
--	---	--

This petition and memorial were sent over to Francis Maseres, Esq; curfitor baron of the exchequer, (who had formerly been attorney-general of the said province, and had resided constantly in it for three years, from September 1766, to September 1769) in order to be by him presented to the earl of Dartmouth: and he did accordingly present them to that noble lord soon after he had received them, that is, about the beginning of the month of March, 1774.

In the course of these proceedings, the committees appointed by these petitioners to frame their petitions, and conduct the prosecution of them, (which were two in number, one for the district of Quebeck, and the other for the district of Montreal) wrote the following letters to Mr. Maseres, whom they had thus employed to deliver their petitions to lord Dartmouth.

E 2

‘ S I R,

SIR,

Quebeck, Nov. 8, 1773.

AS you appear to have the true interests
 of this country at heart, we take the
 liberty to trouble you with the draught of a
 petition which the English inhabitants of
 the province have determined to present to
 the governour and council. It is now the
 general opinion of the people, (French and
 English) that an assembly would be of the
 utmost advantage to the colony, though they
 cannot agree as to the constitution of it.
 The British inhabitants, of whom we are
 appointed a committee, are of very moderate
 principles: they wish for an assembly, as
 they know that to be the only sure means
 of conciliating the new subjects to the Bri-
 tish government, as well as of promoting
 the interests of the colony, and securing to
 its inhabitants the peaceable possession of
 their rights and properties. They would
 not presume to dictate. How the assembly
 is to be composed, is a matter of the most
 serious consideration: they submit that to
 the wisdom of his majesty's councils. What
 they would, in the mean time, request you
 to do, is to inform the ministry and the
 publick, that a petition is presented (for it
 will be so in a few days) to the governour
 here, to call an assembly; and that if he
 does not grant their request, they will im-
 mediately apply to his majesty, from whom
 they

' they have the most sanguine hopes of a
 ' gracious reception. They beg your interest
 ' in promoting so laudable an undertaking,
 ' and hope you will excuse the liberty they
 ' have taken.

' We are, with esteem,

' SIR,

' Your most obedient and most
 ' humble servants,

' William Grant,
 ' Jenkin Williams,
 ' Thomas Walker,
 ' John Welles,
 ' John M'Cord,
 ' Zachary Macaulay,
 ' Charles Grant,
 ' John Lees,
 ' Malcolm Frazer.

' To Francis Maseres, Esq;

' SIR,

Quebeck, Dec. 9, 1773.

' AS a committee named by the English
 ' gentlemen of this place, we did our-
 ' selves the honour to write to you the 8th of
 ' November, by the sloop Dolphin, inclosing
 ' to you a copy of the draught of our petition,
 ' and requesting you (whom we knew to be
 ' interested for the welfare of this province)

' to

' to diffuse at this juncture, when some re-
 ' gulations appear to be projecting, such inti-
 ' mations of our sentiments and proceedings,
 ' as you might conceive to be necessary in our
 ' behalf. We presented our petition to the
 ' lieutenant-governour the 3d instant, signed
 ' by ninety gentlemen of Quebeck and Mon-
 ' treal. He was pleased to receive it with
 ' politeness, and to inform us, that he would
 ' take it into consideration, and, when he
 ' should have consulted his majesty's council,
 ' that he would favour us with his answer.
 ' A board of council has been held, but their
 ' resolution remains as yet secret. We can-
 ' not flatter ourselves that the prayer of our
 ' petition will be granted, and therefore it is
 ' the sense and resolution of all his majesty's
 ' antient subjects, a few, very few, only ex-
 ' cepted, (and it is the secret wish of a great
 ' number of Canadians) so soon as we receive
 ' the lieutenant-governour's answer, to pe-
 ' tition our sovereign to grant us that power
 ' of legislation, which he has been graciously
 ' pleased to promise us by his royal proclama-
 ' tion, and which the welfare and good go-
 ' vernment of the province have, for some
 ' time, stood in need of. We intend to
 ' trouble you with our petition to the king,
 ' and we write by this post to the principal
 ' merchants of London interested in this
 ' province, requesting their assistance in our
 ' favour, in conjunction with you; and, in
 ' order

‘ order to facilitate the intercourse between
 ‘ you and them, we send Mr. John Paterfon
 ‘ a letter, desiring him to act in the matter
 ‘ according to your directions. We cannot
 ‘ refrain from apologizing for the trouble we
 ‘ have given you, and yet we must, at the
 ‘ same time, earnestly entreat your further
 ‘ good offices in our behalf, as well by your
 ‘ influence with your friends, as by your
 ‘ weight with the king’s ministers. We
 ‘ hope to have it in our power to make you
 ‘ some grateful compensation. For the pre-
 ‘ sent, we can only beg leave to assure you,
 ‘ that we are, with great esteem,

‘ SIR,

‘ Your most obedient,

‘ humble servants,

‘ John Lees,
 ‘ Malcolm Frazer,
 ‘ John M‘Cord,
 ‘ William Grant,
 ‘ Jenkin Williams,
 ‘ John Welles,
 ‘ Charles Grant,
 ‘ Zachary Macaulay.

‘ SIR,

Quebeck, Jan. 13, 1774.

‘ SIR,

‘ WE did ourselves the honour to write to
 ‘ you the 9th of December, by post,
 ‘ under cover to Mr. John Paterfon. Since
 ‘ which, the lieutenant-governour has fa-
 ‘ voured us with the answer recited in our
 ‘ petition to the king. We now take the
 ‘ liberty to trouble you with the petition,
 ‘ together with a memorial, to the earl of
 ‘ Dartmouth. A copy of the petition has
 ‘ been given to the lieutenant-governour,
 ‘ which he has undertaken to transmit to the
 ‘ secretary of state.

‘ Depending on your ability and zeal to
 ‘ promote the true interest and welfare of this
 ‘ province, we entertain sanguine hopes that
 ‘ you have already paved the way for a favour-
 ‘ able reception. Without further apology,
 ‘ permit us to intreat you to present this pe-
 ‘ tition and memorial to lord Dartmouth,
 ‘ and to support our measures with such
 ‘ arguments as will naturally occur to you
 ‘ from your personal knowledge of the pro-
 ‘ vince.

‘ Trusting that you will continue your dis-
 ‘ interested good offices, for which we hope
 ‘ to be able to testify our grateful acknow-
 ‘ ledgments,

‘ ledgments, we have the honour to subscribe
 ‘ ourselves,

‘ SIR,

‘ Your most obedient,

‘ and very humble servants,

‘ Zachary Macaulay,
 ‘ Malcolm Frazer,
 ‘ Jenkin Williams,
 ‘ John Welles,
 ‘ William Grant,
 ‘ John M’Cord
 ‘ John Lees,
 ‘ Charles Grant.

Montreal, Jan. 10, 1774.

‘ SIR,

‘ **T**HE committee of his majesty’s antient
 ‘ subjects residing at Quebec, having
 ‘ taken the liberty of transmitting to you, by
 ‘ this post, a petition to his majesty, praying
 ‘ he will be pleased to grant them a house of
 ‘ assembly, together with a memorial to lord
 ‘ Dartmouth, requesting his intercession and
 ‘ good offices in that behalf; we, the sub-
 ‘ scribers, appointed a committee for the same
 ‘ purpose, for the district of Montreal, being
 ‘ actuated by the same principles, and fully
 ‘ persuaded that, from your knowledge of
 ‘ the country, and known good disposition
 ‘ towards

F

' towards it, you will interest yourself in
 ' promoting any establishment for its welfare,
 ' have presumed to trouble you with a peti-
 ' tion to the king, signed by the inhabitants
 ' of this district, and a memorial to lord
 ' Dartmouth, which we beg you will deliver
 ' to his lordship, and take such further mea-
 ' sures as may conduce to the accomplish-
 ' ment of the undertaking.

' As the success of our endeavours must
 ' greatly depend upon you, we earnestly in-
 ' treat that you will be pleased to represent
 ' the necessity of the measure to his lordship,
 ' in such a manner as shall appear to you
 ' most proper, and you will confer a lasting
 ' obligation on the inhabitants of this pro-
 ' vince, which will be ever gratefully re-
 ' membered by them.

' We have the honour to be, with the
 ' greatest regard and esteem,

' S I R,

' Your most obedient,

' humble servants,

' James Finlay,
 ' James M'Gill,
 ' Edward Antill,
 ' Edward Chinn,
 ' Edward William Gray,
 ' R. Huntley,
 ' William Haywood,
 ' Lawrence Ermatinger.

' To Francis Maseres, Esq;

And

And on the 19th of March, 1774, Mr. Maseres returned them an answer to their letters, which was as follows :

Inner Temple, March 19, 1774.

GENTLEMEN,

I Have presented the papers you have done me the honour of transmitting to me, concerning your desire of having an house of assembly in the province of Quebeck, to my lord Dartmouth, and have waited upon his lordship at his levee since I did so. But his lordship has not informed me of the sentiments of himself, or any other of his majesty's ministers of state, concerning your request: so that I cannot yet transmit to you any information upon that subject. But I conjecture, that his majesty's servants are of opinion, that the state of the province is not yet quite ripe for the establishment of an assembly, and that they rather incline, for the present, to supply the want of one by establishing a legislative council, nominated by the king, with sufficient powers to do the necessary business of the province till the more natural and constitutional measure of a general assembly shall appear to them more practicable. If such a council should be established, I hope it will be made

F 2

as

And

‘ as popular and independent as may be, that
‘ it may be respected by the people, and act
‘ agreeably to their sense and true interests.
‘ With a view to which, I have suggested to
‘ his majesty’s ministers, and others, that it
‘ would be expedient that the members of it
‘ should be thirty-one in number, and not
‘ either removeable or suspendible by the
‘ governour; and that seventeen of them
‘ should be necessary to make a house, and do
‘ business; and that a fortnight’s notice should
‘ be given in the *Quebeck* gazette before
‘ every meeting of them, to prevent the go-
‘ vernour’s packing them; and that every
‘ member should be at liberty to propose a
‘ bill in it, as well as to assent to those pro-
‘ posed by the governour; and that it should
‘ not have the power of laying taxes, but
‘ only that of making laws; and that it
‘ should consist only of protestants. But
‘ whether this plan is approved or not by his
‘ majesty’s ministers, I know not. If it
‘ should be approved, and carried into exe-
‘ cution, I confess I should think the inhabi-
‘ tants of the province would be likely to be
‘ governed more happily under it for seven or
‘ eight years to come, than under the influ-
‘ ence of an assembly into which the papists
‘ should be admitted. As to an assembly of
‘ protestants only, I see no objection to the
‘ establishment of one, but the danger of
‘ † disobliging

e, that
 and act
 interests.
 ested to
 that it
 rs of it
 and not
 by the
 them
 and do
 should
 before
 the go-
 t every
 opose a
 ose pro-
 should
 es, but
 that it
 But
 by his
 If it
 o exe-
 inhabi-
 y to be
 even or
 t influ-
 papists
 ably of
 to the
 ger of
 bliging

‘ disobliging the Catholicks of the province,
 ‘ who are so much superiour in number. If
 ‘ that can be got over, and the Catholicks
 ‘ can be brought to acquiesce in the erection
 ‘ of an assembly in which they are not per-
 ‘ mitted to sit, by indulging them with the
 ‘ liberty of voting in the election of the mem-
 ‘ bers of it, as I remember to have heard
 ‘ some gentlemen suggest when I was in the
 ‘ province, or by some other compromise or
 ‘ expedient, I should be very glad to see your
 ‘ petition for an assembly immediately com-
 ‘ plied with, as indeed I suppose it would in
 ‘ that case be. But whatever may be my
 ‘ own opinions upon this subject, I shall al-
 ‘ ways faithfully and chearfully represent
 ‘ your’s to the king’s ministers, and deliver
 ‘ such papers and messages as you shall think
 ‘ proper to entrust to me. And in order to
 ‘ facilitate the attainment of your wishes, I
 ‘ here beg leave to hint to you, that I believe
 ‘ it would greatly contribute to that end, if
 ‘ you would previously declare, that you con-
 ‘ ceive the British parliament to have a com-
 ‘ pleat legislative authority over the province
 ‘ of Quebeck, and that such authority will
 ‘ continue after the establishment of an as-
 ‘ sembly; and that you, and the other peti-
 ‘ tioners, are willing that every member of
 ‘ such future assembly should be required to
 ‘ recognize the said supreme authority in
 ‘ every

every article whatsoever, both of legislation
 and taxation, in the plainest and strongest
 terms, before he is permitted to take his
 seat. Such a previous declaration would
 greatly tend to remove the prejudices now
 subsisting in the minds of many people in
 England against the erection of new houses
 of assembly in America, arising from the
 conduct of the assembly at Boston, and in
 others of the American provinces, in totally
 denying the supreme authority of parlia-
 ment, and thereby dismembering and di-
 viding, as much as in them lies, the Bri-
 tish empire into so many distinct and separate
 states, independent of each other, though
 subject to the same king, like the electorate
 of Hanover. I know nothing that would
 contribute more to your obtaining an assem-
 bly, than your making a declaration of this
 kind. I hope soon to wait on lord Dart-
 mouth again, and to hear from his lordship
 the king's answer to your petition. When
 I have received it, I will transmit it to you
 without delay. In the mean time, I return
 you my sincere thanks for the honour you
 have done me, in approving my endeavours
 for the settlement of the province of Que-
 beck, and your declaration of your belief
 that I am heartily interested in that good
 cause, to which I shall always think it the
 greatest glory of my life to have contributed,
 if

‘ if any of the measures I have proposed for
 ‘ that purpose should hereafter be adopted,
 ‘ though at present I see but little reason to
 ‘ flatter myself that they will be so. I re-
 ‘ main, with great regard,

‘ Gentlemen,

‘ Your most obedient,

‘ and humble servant,

‘ FRANCIS MASERES.

‘ To the committee of
 ‘ the petitioners for
 ‘ an assembly in the
 ‘ province of Que-
 ‘ beck.

From the foregoing proceedings, petitions, and letters, it appears in the first place, that several of the principal French inhabitants of Quebeck, (as Monsieur Descheneaux, Monsieur Marcoux, Monsieur Perras, and Monsieur Cugnet, &c.) were inclined to join with the English inhabitants in petitioning for a house of assembly, though, out of respect to the sentiments of a majority of their countrymen who were of a different opinion, they at last declined doing so.

And, secondly, it appears that the English inhabitants have acted on this occasion with great moderation with respect to their new fellow-subjects the Canadians, by declaring, in their petition to the king's majesty, that they

they are willing to accept of an assembly of such form and constitution as his majesty, in his royal wisdom, shall think fit to establish; and thereby intimating, that if his majesty shall think fit to admit some Roman-Catholick members to sit in it, they shou'd make no objection to it, notwithstanding the hopes they might have hitherto entertained of being governed by an assembly consisting of protestant members only, in pursuance of the directions given by his majesty upon that head, in his two commissions of governour in chief of the province to general Murray and general Carleton, and in conformity, as they had conceived, to the fundamental maxims and constitution of the British government. They could not, however, be prevailed on to go a step further in this course, and join with the Canadians in desiring his majesty to lay aside the distinction of protestants and papists in forming an assembly, and to admit persons of both religions into it indiscriminately, though, if his majesty should, (for reasons unknown to them, or of which they did not perceive the force,) think fit to do so, they were ready to acquiesce in his decision. And this refusal to join with the Canadians in that request was, as I have been credibly informed, the true reason why those Canadians who had expressed a liking for the government of an assembly, refused to join with the English in their present endeavours to obtain one.

Con-

Concerning the Establishment of a
Legislative Council in the Province
of Quebeck.

THE thought of establishing a legislative council in the province of Quebeck, instead of an assembly, took its rise as follows.

By the commissions of captain-general and governour in chief of that province, successively granted to general Murray and general Carleton, the king had empowered the governour, "as soon as the situation and circumstances of the province would admit thereof," and when, and as often as need shall require, to call a general assembly of the freeholders of the province, in such manner as he, the said governour, in his discretion, should judge most proper, or according to such further powers, instructions and authorities, as should be at any time thereafter given to him under his majesty's signet or sign manual, or by his order in his privy council. And in the following clauses of the said commissions, his majesty had directed, that the members of such assembly should take the oaths appointed by the statute of the 1st of George I. that is, the oath of allegiance, the oath of abjuration of the pope's

G

authority,

authority, and the oath of abjuration of the pretender's right, to the crown, and should make and subscribe the declaration against transubstantiation; and then had given power and authority to the governour, with the advice and consent of his majesty's council of the said province, and the assembly, so elected and qualified, to make laws, statutes, and ordinances, for the public peace, welfare, and good government of the said province.

The council of the province was not established by the commission of the governour under the great seal, (which seems rather strange; nor do I know the reason of it;) but by his majesty's instructions under his signet and sign manual. The members of it have hitherto been twelve in number; and five have been sufficient to make a board, and transact business. And it has often happened, that not more than five have been present at the councils that have been held in the province: but in general, there have been six members present at them, and sometimes, though but seldom, as I remember, seven or eight.

By reason of the great number of Roman-Catholicks in the province, who could not take the oath of abjuration of the pope's authority, and make the declaration against transubstantiation, and who therefore must have been excluded from the assembly; and by reason also of the small number of protestant

testant inhabitants in the province, who had become freeholders of the province, or owners of landed property in it, his majesty had judged it to be hitherto inexpedient to summon a general assembly.

Yet, that the province might not be totally without a legislature in it to regulate the inhabitants of it upon a variety of emergencies that must necessarily arise in it in the ordinary course of human affairs, it seemed necessary to delegate a power of legislation of some kind or other, to some person, or persons, residing in the province.

And accordingly his majesty, by an instruction to his governour under his royal signet and sign manual, did empower his said governour, before and until an assembly of the freeholders should be summoned, to exercise a certain very limited legislative authority in the province, by and with the advice and consent of the council of the province only, and without the concurrence of an assembly; to wit, "an authority to make such rules and regulations as should appear to be necessary for the peace, order, and good government of the 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."

But no mention is made in the governour's commission under the great seal of Great-Britain,

Britain, of any such power of making rules and regulations for the province with the consent of the council only.

Two observations naturally occur concerning this limited legislative authority thus delegated to the governour and council by his majesty's said instruction.

In the first place, it may be doubted whether a power of this kind could be legally communicated to the governour by any other instrument than letters patent under the great seal of Great-Britain, publicly read and notified to the people, to the end that the acts done by virtue of them may have a just claim to their obedience. For otherwise they might alledge, that they were faithful and loyal subjects of his majesty, and ready to pay obedience to every thing that his majesty's self shall ordain for them, and likewise to every thing that shall be ordained for them by his majesty's governour of the province, by virtue of powers properly communicated to him by his majesty: that, consequently, they will obey him in every thing that he shall do by virtue of the powers conveyed to him in his majesty's commission of governour under the great seal of Great-Britain, which had been publicly shewn and read to them; but that in things not warranted by the said commission, but said to be done in pursuance of certain private instructions that had not been made known to them, and which they are therefore uncertain whether

who
pre
rity
And
me
priv
have
coun
rity
was

A
struc
man
thod
yet t
coun
abov
for t
is al
latio
gree
at le
be bo

It
vide
prov
could

Si
occu
sion
was
testar

whether he has received or not, they cannot presume that he acts by his majesty's authority, and therefore are not bound to obey him. And if this reasoning is just, as it appears to me to be, the consequence must be, that the private instruction before mentioned could not have legally conveyed to the governour and council of the province the legislative authority mentioned in it, small and narrow as it was.

And, in the second place, if a private instruction, under the king's signet and sign-manual, should be deemed to be a legal method of communicating a legislative authority, yet the power conveyed to the governour and council of the province by the instruction above-mentioned, was evidently too narrow for the purposes of good government, since it is almost impossible to make an effectual regulation upon any subject without in some degree affecting, if not the life or limb, yet at least the liberty of the persons who are to be bound by it.

It seemed therefore to be necessary to provide some more adequate legislature for the province, and to establish it in a manner that could be liable to no objection.

Six different methods of doing this had occurred to those persons who had had occasion to reflect upon this subject. The first was to summon an assembly consisting of protestants only, agreeably to the king's commissions

missions of governour in chief to general Murray and general Carleton, and to what was understood by the British inhabitants of the province to have been promised by the proclamation of October 1763. The second, to summon an assembly consisting of protestants and Roman-Catholicks indiscriminately. The third, to summon an assembly consisting of a majority of protestants, but with an admission of a limited number of Roman-Catholicks. The fourth, to delegate to the governour and council only, without an assembly, a power to make laws to bind the province; and, in order to make the council more respectable in the eyes of the people, to increase the number of its members, but with an exclusion of Roman-Catholicks, in pursuance of the directions of the governour's commission with respect to the council already subsisting in the province. The fifth, to delegate such a legislative power to the governour and council so increased in number, but with an admission of Roman-Catholicks and protestants into it indiscriminately. And the sixth and last, to delegate such a power to the governour and council so increased in number, with an admission of only a certain number of Roman-Catholicks into it.

Of these six different species of legislatures for that province, the three first, which proposed to establish an assembly of some kind

or

or o
of l
bor
seem
min
tive
sure
Mas
cour
tutic
ceed
and
then
senti
well
inst
with
view
Mr.
John
Eng
know
stit
parli
of th
men
prov
the c
creat
the
dent
to b

or other, were disapproved by the greater part of his majesty's ministers; the earl of Hillsborough being the only person in office who seemed inclined to any of them. The other ministers all turned their thoughts to a legislative council. This being therefore the measure that seemed likely to take place, Mr. Maseres endeavoured to contrive a legislative council of as free and independent a constitution as he could; to the end that their proceedings might be respected by the people, and their ordinances be readily obeyed by them, as being the result of their own free sentiments and unbiassed deliberations for the welfare and improvement of the province, instead of the effect of a slavish compliance with the dictates of the governour. With this view, after conversing upon the subject with Mr. Thomas Walker of Montreal, and Mr. John Paterfon of Quebeck, two eminent English merchants settled at those places, and known lovers of liberty and the English constitution, he prepared a draught of an act of parliament for establishing a legislative council of the free and independent nature above-mentioned, in the province; in which it was provided, that the number of members in the council already in being should be increased from twelve to thirty-one; and that the members of it should be quite independent of the governour, instead of being liable to be suspended by him, as they had hitherto been;

been ; and that they should sign their names in the register-books of the council to the ordinances for which they should vote ; and that seventeen of them should be necessary to do business as a legislative body ; and that they should be paid for their attendance, in order to induce them to attend in considerable numbers ; and that there should be a fortnight's notice given in the *Quebeck* gazette of every intended meeting of the council ; and by the particular desire of Mr. Walker and Mr. Paterson, (as Mr. Maseres thankfully acknowledges,) it was further provided, that they should have no power whatsoever of imposing taxes in the province. And, lastly, it was provided, that this unusual instrument of government should continue only for 7 years, to the end that the inhabitants of the province might always have within their view, and that too at no great distance of time, the accomplishment of the royal promise made to them by the proclamation of October 1763, of being governed, with respect to matters of legislation, by an assembly of the freeholders of the province, *as soon as the situation and circumstances of the province would permit.* With these provisions, and the other precautions taken in this draught to make the legislative council as free and independent as possible, and as fit as might be to become a temporary substitute for the more constitutional mode of government by an assembly of the freeholders, those gentlemen

them
acqu
dang
small
assem
testa
infer
comp
what
in hi
vince
have
stinct
assem
1763
for e
provin
purpo
the g
suppor
becom
which
chearf
come,
bitants

Thi

tiemen did declare, that they were willing to acquiesce under it, and did consider it as a less dangerous instrument of government, for a small number of years to come, than an assembly composed indiscriminately of protestants and Roman-Catholicks, though far inferiour in freedom and utility to an assembly composed of protestants only, agreeably to what the king had twice expressly directed in his commissions of governour of the province, and to what they had understood to have been meant, though it was not distinctly expressed, by the promise of an assembly in the royal proclamation of October 1763. In this draught of an act of parliament for establishing a legislative council in the province for seven years, the preamble was purposely made very long, in order to shew the grounds and reasons upon which it was supposed that so extraordinary a measure was become expedient, and in consequence of which it might be expected that it would be cheerfully acquiesced in, for a few years to come, by both the French and English inhabitants of the province.

This draught was as follows.

H

DRAUGHT

DRAUGHT of an Act of Parliament for investing the Governour and Council of the Province of *Quebeck*, without an Assembly of the Frecholders of the same, with a Power of making Laws and Ordinances for the Peace, Welfare, and good Government of the said Province during the Space of Seven Years.

Preamble.

Power granted to governour Murray, with the consent of the council of the province, to call an assembly.

WHEREAS his most excellentmajesty, the now king, by his letters patent, under the great seal of this kingdom, bearing date the twenty-first day of November, in the fourth year of his reign, and in the year of our Lord Christ, one thousand, seven hundred, and sixty-three, appointing the honourable James Murray, esquire, to be captain-general and governour in chief in and over the province of *Quebeck* in North-America, then lately ceded

to

to the crown of Great-Britain by the French king by the definitive treaty of peace concluded at Paris in the month of February of the same year, was pleased to grant unto him, the said James Murray, a power, with the advice and consent of his majesty's council of the said province, so soon as the situation and circumstances of the said province would admit thereof, and when and as often as need should require, to summon and call general assemblies of the freeholders and planters in the said province:

And his said majesty was thereby further pleased to direct the said governour to require the persons thereupon duly elected by the major part of the freeholders of the respective parishes or precincts of the said province, and so returned, to take the oaths mentioned in a certain act of parliament passed in the first year of the reign of king George the first, and 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,*

Oaths and declaration to be required of the members of such assembly.

and his open and secret abettors;" and likewise to make and subscribe the declaration against the Romish doctrine of transubstantiation 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;*" before they are permitted to sit in the said assemblies :

Legislative power granted to the said governour, to be exercised with the advice and consent of the council of the said province and such assembly.

And was pleased to impower the said governour, by and with the advice and consent of his majesty's council of the said province and such assembly as aforesaid, or the major part of them, having previously qualified themselves in the manner aforesaid, to make, constitute, and ordain, laws, statutes, and ordinances, for the publick peace, welfare, and good government of the said province, and of the people and inhabitants thereof, and of such other persons as should resort thereunto, and for the benefit of his said majesty, his heirs and successors, taking care that the said laws, statutes, and ordinances, should not be repugnant, but, as near as may be, agreeable, to the laws and statutes of this kingdom :

And

And afterwards his said majesty was pleased to give the same powers, authorities, and directions, to Guy Carleton, esquire, the present governour in chief of the said province, by other letters patent under the great seal of Great-Britain, to the same purport and effect as those above-mentioned :

The like power and directions were afterwards granted to governour Carleton.

And whereas it hath not hitherto been found practicable, by reason of the general prevalence of the Romish superstition amongst his majesty's new Canadian subjects in the said province, to summon and call a general assembly of the freeholders and planters in the same, that are willing to qualify themselves to sit in such assembly in the manner above-mentioned, by taking the oaths above-mentioned, and taking and subscribing the declaration aforesaid, without too much restraining the freedom of election of the said new subjects, by reducing them to a necessity of chusing protestant representatives, of whom it may often happen that they shall have but little knowledge, in preference to Roman-Catholicks of their neighbourhood and antient acquaintance, in whom they

Difficulty of procuring an assembly qualified as above, by reason of the general prevalence of the Romish superstition.

Inexpedience
of calling any
assembly at
present.

Want of a suf-
ficient legisla-
tive authority
in the gover-
nour and
council with-
out an assem-
bly, for the
good govern-
ment of the
province.

they may place a great confidence :
and for divers other reasons it is
not thought expedient as yet to
summon an assembly in that pro-
vince :

And whereas no power of mak-
ing laws and ordinances for the
said province, hath hitherto been
granted by his said most excellent
majesty, to the governour and
council of the said province only,
without the concurrence of an
assembly of the same, by either of
the above-mentioned two com-
missions of captain-general and
governour in chief of the said pro-
vince, or by any other instrument
under the great seal of this king-
dom : but only an instruction hath
been given by his said majesty, to
his said governours, under his ma-
jesty's signet and sign-manual, com-
municating, or purporting to com-
municate, to the said governours, a
certain very limited legislative au-
thority, to be exercised by them by
and with the advice and consent of
the council of the said province
only, without an assembly, to wit,
an authority to make such rules and
regulations as shall appear to be
necessary for the peace, order, and

good

good government of the 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 this legislative authority has been found, by the experience of several years, to be too narrow for the purposes of good government in the said province:

And whereas it will therefore contribute to the welfare and good government of the said province for the time to come, until such time as it shall be thought expedient by the king's majesty to summon a general assembly of the freeholders of the same, that a more ample legislative authority should be delegated to his majesty's governour and council of the same: and, for that purpose, that the number of members of the said council (which has hitherto been only twelve,) should be considerably increased; and that their offices of counsellors to his majesty for the said province should be made independent of the governour of the same: to the end that they may not only act with freedom in their

Expediency of delegating a more ample legislative authority to the governour and council only.

And making the said council more numerous than it is at present, and independent of the governour.

their deliberations for the good of the said province, but also be generally thought to do so by his majesty's subjects in the same, and may, in consequence of their just and wise conduct in the exercise of this high authority for the welfare and good government of the said province, become the objects of general esteem and reverence in the same :

Such a legislative council is likely to be more agreeable to the British inhabitants of the said province than an assembly into which the Roman-Catholicks shall be admitted.

And whereas the establishment of such a legislative council in the said province is not likely to give any disgust, or offence, to those of his majesty's antient British subjects who are already settled in the said province, or who may hereafter resort thither, but rather to be thought a just and necessary measure by them, and much less dangerous to their liberties and welfare than the immediate constitution of an assembly of the freeholders and planters of the said province, if, (contrary to the directions of his majesty's commission of captain-general and governour in chief of the said province, above-mentioned,) any Roman-Catholick members should be admitted

mit
rity
cou
law
and
prov
any
bita
conc
liabl
mer
intru
prov
char
the
freel
same
estab
coun
num
be th
ent t
in t
his
tain-
abov
nera
othe
Am
A
of f
said

mitted into it; provided the authority delegated to such legislative council be only that of making laws and ordinances for the welfare and good government of the said province, and not that of imposing any duties, or taxes, on the inhabitants of the same, which they conceive to be a power much more liable to be abused than the former, and consequently less fit to be intrusted to any persons in the said province, (of what rank or personal character whatsoever,) that are not the express representatives of the freeholders and inhabitants of the same; and provided also that the establishment of such legislative council be made only for a small number of years, and until it shall be thought practicable and expedient to erect a protestant assembly in the said province, agreeably to his majesty's commission of captain-general and governour in chief above-mentioned, and to the general practice observed in all the other British provinces in North-America:

And whereas the establishment of such a legislative council in the said province is likely to be more

I agreeable

Provided that they are only empowered to make laws, or ordinances, but not to impose taxes.

And that such legislative council be continued only for a small number of years, and till it is found expedient to summon an assembly of protestants.

And such a legislative council is likely to be more agreeable.

able to the
Canadians in
the said pro-
vince than an
assembly con-
sisting of only
protestant
members.

agreeable to his majesty's new Canadian subjects in the same than the constitution of an assembly of the freeholders and planters of the said province that should consist only of protestant members, agreeably to the directions of his majesty's commission of captain-general and governour in chief above-mentioned, by reason that in the present state of the said province, and during the general prevalence of the Roman-Catholick religion in the same, very few of the said Canadians could become members of such assembly :

Of the go-
vernment of
Canada dur-
ing it's sub-
jection to the
French King.

And whereas in the time of the French government of the country of *Canada*, or *New France*, of which the aforesaid province of *Quebeck* then made only a part, the authority of the French king was intrusted principally to three officers of great distinction ; to wit, first, the military governour, called *Governour and lieutenant-general for the king in the said country* ; and, secondly, the principal officer of the civil government in the same, called the *Intendant of justice, police, and revenue in the same* ; and, thirdly, the bishop of *Quebeck* ; and a council

The Governour.

The Intendant.

The bishop of *Quebec*.

coun
Fre
coun
beck
thre
men
laym
orde
A
polic
by
Fren
a ver
said
foeve
strati
and
sidera
in the
conju
or sup
all su
judge
ral po
the fa
shoul
ent f
king
said c
gulati
rity, w
said c
relate

council nominated by the said French king, called the *sovereign council*, or *superiour council*, of *Quebeck*, which consisted of the said three great officers and twelve other members, of whom eleven were laymen, and one was in holy orders :

The Superiour council.

And the said intendant of justice, police, and revenue, was authorized by his commission from the said French king, not only to exercise a very great judicial power in the said country in all matters whatsoever appertaining to the administration of justice, both criminal and civil, but also to exercise a considerable degree of legislative power in the same, namely, to make, in conjunction with the said sovereign, or superiour, council, of *Quebeck*, all such regulations as he should judge to be necessary for the general police, or good government, of the said country ; and, in case he should judge it to be more expedient for the service of the French king to proceed herein without the said council, to make the said regulations by his own single authority, without the concurrence of the said council, if the said regulations related only to civil matters :

Power of the Intendant and Superiour council to make regulations for the general police, or good government of the said country.

Power of the Intendant to make such regulations by his own single authority in civil matters.

Many important regulations were made for the said country by the said Intendants and superiour councils.

And many regulations of great importance were, accordingly, made in the said country by the said intendants and superiour councils, and by the said intendants alone, without the said councils, which were chearfully submitted to by the inhabitants of the said country, and were carried into execution in the same :

But the said Intendants and superiour councils were not impowered to impose taxes in the said country.

But the said intendants and superiour councils were never impowered by the said French king to impose any duties, or taxes, on the inhabitants of the said country : but the same were imposed only by the said French king himself by his own edicts :

The establishment of such a legislative council, as is above-mentioned, bears a resemblance to the afore-said method of government. by the Intendants and superiour councils, used in the said province in the time of its subjection to the French king.

And whereas the establishment of a numerous legislative council in the said province of Quebeck, made independant of the governour of the same, and restrained from imposing any duties, or taxes, on the inhabitants thereof, in the manner above-mentioned, bears a considerable resemblance to the said former method of government in the said province by the authority of the intendant and superiour council of Quebeck, during the subjection of the said province to the

the French king; and is evidently less likely than the said former method of government to be abused or perverted to ambitious or oppressive purposes, by reason that the power thereby delegated to such legislative council, to make laws and regulations for the welfare and good government of the said province, will be intrusted to a greater number of counsellors than the said superiour council of Quebeck was composed of, and that the governours of the said province will in no case whatsoever be empowered to make any of the said laws and regulations alone, or without the concurrence of the said council, as the said intendants were formerly authorized to do:

And therefore there is great reason to suppose that his majesty's new Canadian subjects in the said province, (who were formerly used to the said method of government and legislation by the intendants and superiour council of Quebeck, and were well pleased and satisfied therewith,) will greatly approve, and be fully satisfied with, the method of government herein before-mentioned by the governours of the said

But is less likely to be abused to purposes of oppression.

And therefore there is reason to hope that his Majesty's new Canadian subjects will be satisfied with the establishment of such a legislative council.

faid province and a numerous and independant legislative council; and will esteem the establishment of such a council to be a just, and prudent, and salutary measure in the present circumstances of the faid province :

Delegation of a legislative authority to the Governour and council of the faid province only, without an assembly of the freeholders in the same, for the space of seven years.

I. IT IS THEREFORE ORDAINED AND ENACTED by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in parliament assembled, that for the space of seven years, to be computed from the first day of January, in the year of our Lord Christ one thousand, seven hundred, and seventy-four, it shall be lawful for his majesty's captain-general and governour in chief of the faid province of Quebec, or, in his absence, the lieutenant-governour, or commander in chief, of the same, for the time being, by and with the advice and consent of his majesty's council of the faid province only, and without any assembly of the freeholders and planters of the same, to make, constitute, and ordain, laws, statutes, and ordinances, for the publick peace, welfare, and good government

ve
of
sh
be
an
fa
sha
as
and
the
Mu
mit
hav
the
faid
I
IT
EN
law
in a
any
bita
tha
hav
be
aut
I
IT
EN
of
futu

vernment of the said province, and of the people and inhabitants thereof, and of such other persons as shall resort thereunto, and for the benefit of his said majesty, his heirs and successors, taking care that the said laws, statutes, and ordinances, shall not be repugnant, but, as near as may be, agreeable, to the laws and statutes of this kingdom, in the same manner as the said James Murray, by virtue of his commission above-mentioned, might have done with the consent of both the council and assembly of the said province.

II. PROVIDED always, and **IT IS HEREBY FURTHER ENACTED**, that none of the said laws, statutes, or ordinances, shall in any degree tend to the imposing any duties, or taxes, on the inhabitants of the said province; and that, so far as any of them shall have any such tendency, they shall be utterly void and of no effect or authority whatsoever.

III. PROVIDED ALSO, and **IT IS HEREBY FURTHER ENACTED**, that the said council of the said province shall for the future consist of thirty-one members

Provided that they shall not have the power of imposing duties, or taxes.

Number of members of this legislative council.

They shall all
take the usual
oaths and de-
claration
against tran-
substantiation.

bers resident in the said province, who shall qualify themselves for the said offices by taking the oaths mentioned in a certain act of parliament passed in the first year of the reign of king George the first, and intitled, "*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;*" and by making and subscribing the declaration against the Romish doctrine of transubstantiation mentioned in an act of parliament made in the twenty-fifth year of the reign of king Charles the second, intitled, "*An act for preventing dangers which may happen from popish recusants;*" before they are admitted to sit in the said council.

IV. PROVIDED ALSO, and IT IS HEREBY FURTHER ENACTED, that, in order to give validity to any new ordinance that shall be passed by the said council of the said province of Quebeck in pursuance of the au-
thority

tho
pur
it s
pre
ord
ber
tho
cou
who
vot
testi
sub
nal
whic
cord
wife
same
with
maje
Nort
befor
coun
allow
V.
IT
ENA
be ca
the t
pleat
the r
shall
of co

thority granted to them for that purpose by this act of parliament, it shall be necessary that there be present at the passing of every such ordinance at least seventeen members of the said council; and that those of the members of the said council present on such occasion who shall approve and give their votes for such ordinance shall, in testimony of such their assent to it, subscribe their names to the original transcript of such ordinance, which shall be kept among the records of the said council, and likewise to two other copies of the same, which shall be transmitted with all convenient dispatch to his majesty's secretary of state for North-America, in order to be laid before his majesty in his privy-council for his approbation or disallowance.

V. PROVIDED ALSO, and IT IS HEREBY FURTHER ENACTED, that no person shall be capable of being a member of the said council that is not completely thirty years old; and that the members of the said council shall be appointed to the said office of counsellor to the king's majesty

K for

Number of members necessary to make ordinances.

And every ordinance shall be signed by the members who vote for it.

Age required in the members of the said council.

Manner of their appointment to the said office.

for the said province, either by his majesty himself by letters patent under the great seal of Great-Britain, or under his privy seal, or by an instrument in writing under his signet and sign manual, or by his governour in chief, lieutenant-governour, or commander in chief of the said province for the time being, by letters patent under the publick seal of the said province: and that the said counsellors shall not be either removed from the said offices of counsellors to his majesty for the said province, or suspended from the exercise of the said offices for any time, how short soever, by the governour in chief, or lieutenant-governour, or commander in chief, of the said province, but only by the king's majesty himself, his heirs and successors, by his or their order in council.

Manner in which they may be removed from it.

VI. PROVIDED ALSO, and IT IS HEREBY FURTHER ENACTED, that, whensoever the governour, or lieutenant-governour, or commander in chief, of the said province, shall think proper to summon a meeting of the council of the same, in order to deliberate

del
or
to
goo
vin
rity
he
tha
the
the
the
pro
zett
the
of t
nan
gove
with
said
on v
said
be
wha
fore
ther
V
FU
ever
tive
for
law
fare

deliberate concerning any new law, or ordinance, which shall appear to be necessary for the welfare and good government of the said province, in pursuance of the authority granted to him by this statute, he shall publish a proclamation for that purpose, giving due notice of the day on which such meeting of the said council shall be holden, in the printed news-paper of the said province, called the *Quebeck Gazette*, at least fourteen days before the day appointed for the meeting of the said council. And all ordinances that shall be made by the governour and the said council without such previous notice in the said publick news-paper of the day on which the said meeting of the said council is to be holden, shall be utterly void and of no effect whatsoever, any thing herein before mentioned to the contrary thereof in any wise notwithstanding.

VII. And IT IS HEREBY FURTHER ENACTED, that in every meeting of the said legislative council of the said province for the purpose of making new laws, or ordinances, for the welfare and good government of the

Fourteen days notice shall be given in the *Quebec gazette* of every meeting of the said legislative council.

Every member of the said legislative council shall be at liberty to bring any bill into the same, as well as to assent to a bill proposed to the said council by the Governour.

same, it shall be lawful for every member of the said council freely to propose and bring in, to the said council, any bill that he shall esteem fit to be passed into a law, or ordinance, in order that it may be first considered by the said council, and passed by them, and then proposed to the governour of the said province for his assent; as well as for the governour of the said province to propose any bill that he may think useful and fit to be passed into a law, to the said council for their consideration and assent.

And a memorial thereof shall be entered amongst the records of the said council.

And a short account, or memorial, of every bill so presented by any member of the said council shall be entered by the clerk of the said council amongst the proceedings of the same, even though the said bill should not be approved by a majority of the said council, or, being approved by such majority, shall not receive the governour's assent.

VIII. And, in order to encourage the several members of the said council to be diligent and regular in their attendance at the meetings thereof, and to defray the expences they may incur by such attendance, and likewise to reward them for their

the
pub
IT
OR
that
vern
or c
prov
the
reve
each
that
the
ing
welf
the
tinue
end,
such
two
Grea
prop
with
to be
same
of th
ing
sion
be p
shall
meet

their useful labours therein for the public benefit of the said province, **IT IS HEREBY FURTHER ORDAINED AND ENACTED**, that it shall be lawful for the governour, or lieutenant-governour, or commander in chief, of the said province, to issue h's warrant to the receiver-general of the publick revenue of the same, to pay to each member of the said council that shall attend any meeting of the same for the purpose of making laws and ordinances for the welfare and good government of the said province, and shall continue at the said meeting until the end, or dissolution, of the same, such sum of money, not exceeding two pounds of lawful money of Great-Britain, as he shall think proper, out of such monies arising within the said province, and liable to be applied to publick uses in the same, as shall then be in the hands of the said receiver-general; taking care that on every such occasion an equal sum of money shall be paid to every counsellor who shall have so attended at the said meeting, without any distinction,

or

The members of the said council shall receive out of the public revenue of the said province a reward for their trouble in attending the meetings of the same, not exceeding two pounds sterling to each member for every attendance.

But no one member of the said council shall receive more than one hundred pounds in one year on this account.

Every member of the said council, who shall be absent from the said province for the space of a year, without the Governour's leave in writing for that purpose, shall thereby lose his office of a counsellor.

or partiality; and that the money paid on this account to any one member of the said council in the space of one whole year shall never exceed the sum of one hundred pounds of lawful money of Great-Britain, although the meetings of the said council, at which such member shall have attended, in that space of time, should happen to be more than fifty.

IX. And IT IS HEREBY FURTHER ENACTED, that, if any member of the said legislative council of the said province shall at any time be absent from the said province for the space of one whole year without having obtained a leave of absence from the governour in chief, or lieutenant-governour, or commander in chief, of the said province, in writing, and caused the same to be entered among the records of the said council before his departure from the said province, his office of counsellor to the king's majesty for the said province shall thereupon cease and become vacant at the end of a year from the day of his departure from the said province; so that, if he should afterwards return into the

the
cap
said
aga
of
offi
A
cou
leav
the
or
com
and
ente
cour
the
from
of or
allow
his f
king
shall
vaca
year
his
same
gone
out
gove
tinu
for n

the said province, he shall be incapable of sitting and voting in the said council, unless he shall be again impowered to do so by means of a new appointment to the said office.

And, if any member of the said council, after having obtained a leave of absence in writing from the governour of the said province, or the lieutenant-governour, or commander in chief of the same, and having caused it to be duly entered in the records of the said council before his departure from the said province, shall be absent from the said province for the space of one whole year beyond the time allowed by such leave of absence, his said office of counsellor to the king's majesty for the said province shall thereupon cease and become vacant at the expiration of the said year beyond the time allowed in his said leave of absence, in the same manner as if he had at first gone out of the said province without any leave of absence from the governour thereof, and had continued to be absent from the same for more than a whole year.

Absence with the leave of the Governour, if continued for a year beyond the time allowed by the said leave, shall have the same effect.

And

Three years absence from the province, (even with the Governour's leave for the whole time) shall have the same effect of depriving a member of the said council of his office of a counsellor.

Where the council of the said province shall not act as a legislative council, but only as a council of advice and assistance to the governour, it shall be sufficient to summon only twelve of them the day before they meet; and seven members shall be a sufficient number to do business.

And no leave of absence from the said province given by the governour, or lieutenant-governour, or commander in chief, of the same, (though it shall have been given in writing, and entered among the records of the said council, as is above directed) shall enable any member of the said council to retain his said office of counsellor of the said province during more than three years absence from the same: but at the end of the said three years his said office of counsellor shall cease and become vacant, and he shall be incapable of sitting and voting in the said council without a new appointment to the said office of a counsellor of the said province.

X. PROVIDED always, and **IT IS HEREBY FURTHER ENACTED**, that in all other matters, not relating to the making, or passing, any laws, statutes, or ordinances, for the said province, but to the advising and assisting the governour, or lieutenant-governour, or commander in chief thereof, in the execution of those parts of the commission of captain-general and governour in chief of the said province in which the said governour is directed to act with the advice and

and
far
the
or,
nar
chi
bei
gill
by
Qu
fore
mee
abo
suff
or l
man
vinc
part
the
cour
whic
affir
of t
are r
bers
the
dista
the
thin
prec
cour

and assistance of the council of the same, it shall not be necessary for the governour of the said province, or, in his absence, for the lieutenant-governour, or commander in chief, of the same, for the time being, to summon the whole legislative council above-mentioned by a proclamation published in the Quebeck Gazette fourteen days before the time appointed for the meeting thereof, in the manner above directed: but it shall be sufficient for the said governour, or lieutenant-governour, or commander in chief, of the said province for the time being, to send particular summonses in writing to the several members of the said council who live in the town in which the said council is to be assembled, or within the distance of two miles from it, or, (if there are more than twelve of the members of the said council resident in the said town, or within the said distance of it,) to any twelve of the said members that he shall think fit, on the day immediately preceding that on which the said council is to be assembled: and,

L

if

if seven, or more, of the said counsellors so summoned shall attend at the said meeting, it shall be lawful for the said governour of the said province, or, in his absence, for the lieutenant-governour, or commander in chief, of the same, to proceed to the execution of the aforesaid parts of the said commission of captain-general and governour in chief of the said province, by the advice and assistance of the said seven, or more, members of the said council, or the major part of them; any thing herein before-mentioned to the contrary hereof in any wise notwithstanding.

A R E-

A

I

shou
henc
of C
thre
imp
tain
six-p
the
than
shilli
the c
and
a gal
itself
are a
fitted
peop
be us
first
prod
its ci
great
the

A REMARK concerning the Power
of Taxation in the said Province.

IT remains to be considered by whom the taxes necessary to be levied in this province should be imposed. Now this, it is apprehended, may best be done by the parliament of Great-Britain itself. A small duty of about three-pence a gallon, upon spirituous liquors imported into the province from Great-Britain; another somewhat larger (as, perhaps, six-pence a gallon,) upon those imported from the West-India islands; and a third, larger than either of the former, (as, perhaps, a shilling a gallon,) upon those imported from the other British colonies in North-America; and a moderate excise (of, perhaps, six-pence a gallon,) upon those made in the province itself; are generally considered by persons who are acquainted with the said province as the fittest taxes to be raised in it. And many people are of opinion that these taxes would be useful to the said province, not only in the first and most obvious manner, to wit, by producing a revenue for the maintenance of its civil government, but also by checking the great drunkenness that now prevails in it from the immoderate use of spirituous liquors by
the

the Canadians, which is the consequence of its present low price. Next to these duties, many people are of opinion that a certain small tax upon houses that was levied in the time of the French government in the said province, and which is therefore, perhaps, in strictness of law, already legally due to the king's majesty, ought to be revived; and that a small tax (of perhaps three shillings a head by the year,) ought to be imposed on superfluous horses, of which it is generally allowed there is much too great a number in this province. When these, or any other more convenient taxes, are once established by a competent authority, such as that of the British parliament, it will, probably, not be necessary to raise any more taxes for several years; perhaps for the whole time that this above-mentioned legislative council shall continue in the province: and therefore the government of the province may be very well carried on by the said legislative council, though they are not invested with a power of taxation. But this is not the case with the power of making laws and ordinances: for that is a power which there will probably be continual occasion to make use of for the due regulation of the said province: and therefore there is a kind of necessity to delegate that authority to some respectable body of men, (either council or assembly,) residing in the said province.

And,

bal
fur
pro
leg
me
the
as
aut
this
furr
info
cum
be
pow
gove
prov
new
a pla
new
for
neces
advi
cular
men
plan
for
said
nity
disap
send
of fl

And, if, (though it does not seem probable) it should become necessary to lay any further taxes upon the inhabitants of the said province during the continuance of the said legislative council, and before the establishment of a protestant assembly, in the same, the said new taxes might be imposed, as well as the first taxes above-mentioned, by the authority of the British parliament: and, in this case, it might be convenient, (in order to furnish the parliament with that degree of information concerning the situation and circumstances of the said province, which would be necessary to enable them to exercise this power with judgment and ability,) that the governour and legislative council of the said province, whenever they thought that any new tax ought to be imposed, should draw up a plan, or proposal, for the imposition of such new tax, setting forth the occasion there was for raising money, the quantity of money necessary to be raised, and their reasons for advising that it should be raised by the particular tax which they propose and recommend: and that they should publish the said plan, or proposal, in the *Quebeck* gazette, for the information of the inhabitants of the said province, and to give them an opportunity of remonstrating against it, in case they disapprove it; and at the same time should send over a copy of it to his majesty's secretary of state for America, to be laid before his majesty

And,

majesty in council, and, if approved of by him, to be brought into the house of commons, and passed into an act of parliament. With these precautions it seems reasonable to suppose that the property of the inhabitants of this province would be as secure against a wanton, or injudicious, exercise of the power of taxation, as if the taxes were to be granted only by an assembly of their own chusing.

In the month of June, 1774, an act of parliament was passed for the government of the province of Quebeck, by which a legislative council of a different constitution from that above described, was established in the province, and this for an indefinite length of time. As this act has given much uneasiness to many of the inhabitants of that province, and seems likely to give much more if it is not either repealed or amended, it is judged proper to recite it here at full length.

An

An

V

bear
Oct
reign
prov
in m
terri
cede
tive
Pari
ary,
and
the a
roya
exte
ther
settl
Fran
ther
treat
visio
strat

An Act for making more effectual Provision for the Government of the Province of Quebeck, in North-America.

WHEREAS his majesty, by Preamble. his royal proclamation, bearing date the seventh day of October, in the third year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories, and islands in America, ceded to his majesty by the definitive treaty of peace, concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three: and whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein; and

An

and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: May it therefore please your most excellent majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all the territories, islands, and countries in North-America, belonging to the crown of Great-Britain, bounded on the south by a line from the bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the river Saint Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut, keeping the
 same

The territories, islands, and countries, in North-America, belonging to Great Britain,

fam
 the
 fam
 Sain
 the
 to t
 the
 com
 then
 sout
 follo
 same
 nort
 char
 vani
 inter
 the f
 darie
 said
 Ohio
 the f
 be f
 the f
 that
 shall
 angl
 sylv
 line,
 of t
 along
 said
 river

same latitude directly west, through the lake Champlain, until, in the same latitude, it meets the river Saint Lawrence; from thence up the eastern bank of the said river to the lake Ontario; thence through the lake Ontario, and the river commonly called Niagara; and thence along by the eastern and south-eastern bank of lake Erie, following the said bank, until the same shall be intersected by the northern boundary, granted by the charter of the province of Pennsylvania, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the Ohio: but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said province of Pennsylvania, and thence, by a right line, to the said north-western angle of the said province; and thence along the western boundary of the said province, until it strike the river Ohio; and along the bank of

M

the

the said river, westward, to the banks of the Mississippi, and northward to the southern boundary of the territory granted to the merchants adventurers of England, trading to Hudson's Bay; and also all such territories, islands, and countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the government of Newfoundland, be, and they are hereby, during his majesty's pleasure, annexed to, and made part and parcel of, the province of Quebec, as created and established by the said royal proclamation of the seventh of October, one thousand seven hundred and sixty-three.

annexed to
the province
of Quebec.

Not to affect
the bounda-
ries of any
other colony;

nor to make
void other
rights former-
ly granted.

Provided always, That nothing herein contained, relative to the boundary of the province of Quebec, shall in anywise affect the boundaries of any other colony.

Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the
said

faic
the
farr
and
nev
A
by t
to t
pro
pow
gov
of t
and
que
upo
to t
the
whe
to ab
prof
of I
blis
fyste
perf
tecto
a lon
estab
of C
enac
Tha
as th
vinc

faid province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this act had never been made.

And whereas the provisions, made by the said proclamation, in respect to the civil government of the said province of Quebeck, and the powers and authorities given to the governour and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the religion of the church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada; be it therefore further enacted by the authority aforesaid, That the said proclamation, so far as the same relates to the said province of Quebeck, and the com-

Former provisions made for the province to be null and void after May 1, 1774.

mission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the governour and council of Quebeck for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five.

Inhabitants of Quebeck may profess the Romish religion, subject to the king's supremacy, as by Act 1 Eliz.;

And, for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, that his majesty's subjects, professing the religion of the church of Rome of and in the said province of Quebeck, may have, hold, and enjoy, the free exercise of the religion of the church of Rome, subject to the king's supremacy, declared and established by an act, made in the first year of the reign of queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown

crown of this realm ; and that the clergy of the said church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

and the clergy enjoy their accustomed dues.

Provided nevertheless, That it shall be lawful for his majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient.

Provision may be made by his Majesty for the support of the protestant clergy.

Provided always, and be it enacted, That no person, professing the religion of the church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute 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 oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the

No person professing the Romish religion obliged to take the oath of Eliz.

but to take, before the governour, &c. the following oath.

the governour, or such other person in such court of record as his majesty shall appoint, who are hereby authoris'd to administer the same; *videlicet*,

The oath.

I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty king *George*, and him will defend to the utmost of my power, against all traiterous conspiracies, and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons, and traiterous conspiracies, and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary.

So help me GOD.

Persons refusing the oath to be subject to the penalties by Act 1 Eliz.

And every such person, who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures,

forfe
paci
and
refu
by t
year
beth
A
auth
maje
the
ligio
only
enjoy
toget
relati
civil
benef
procl
nanc
ment
may
his m
crow
Brita
contr
and c
to the
for th
all c
infit
justic

forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of queen Elizabeth.

And be it further enacted by the authority aforesaid, That all his majesty's Canadian subjects, within the province of Quebeck, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his majesty, and subjection to the crown and parliament of Great-Britain; and that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice, to be appointed within and

His Majesty's Canadian subjects (religious orders excepted) may hold all their possessions, &c.

and in matters of controversy, resort to be had to the laws of Canada for the decision.

for

er per-
as his
no are
ter the

ife and
ithful,
his ma-
will de-
power,
iracies,
which
person,
will do
disclose
majesty,
all trea-
piracies,
I know
of them;
without
evafion,
renoun-
fations
whom-

GOD.

o shall
he said
I incur
nalties,
eitures,

for the said province, by his majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the governour, lieutenant-governour, or commander in chief, for the time being, by and with the advice and consent of the legislative council of the same, to be appointed in manner herein after mentioned.

Not to extend to lands granted by his Majesty in common soccage.

Provided always, That nothing in this act contained shall extend, or be construed to extend, to any lands that have been granted by his majesty, or shall hereafter be granted by his majesty, his heirs and successors, to be holden in free and common soccage.

Owners of goods may alienate the same by will, &c.

Provided also, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devise or bequeath the same at his

or

or her death, by his or her last will and testament; any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hereof in any-wise notwithstanding; such will being executed, either according to the laws of Canada, or according to the forms prescribed by the laws of England.

if executed according to the laws of Canada.

And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial and the punishments and forfeitures thereby inflicted; to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord one thousand seven hundred

Criminal law of England to be continued in the province.

N

and

and sixty-four; any thing in this act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the governour, lieutenant-governour, or commander in chief for the time being, by and with the advice and consent of the legislative council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner herein-after directed.

His Majesty
may appoint
a council for
the affairs of
the province;

And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebeck, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there: And whereas it is at present inexpedient to call an assembly; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his majesty, his heirs and successors, by warrant under his or their signet or sign manual, and with the advice of the privy council,

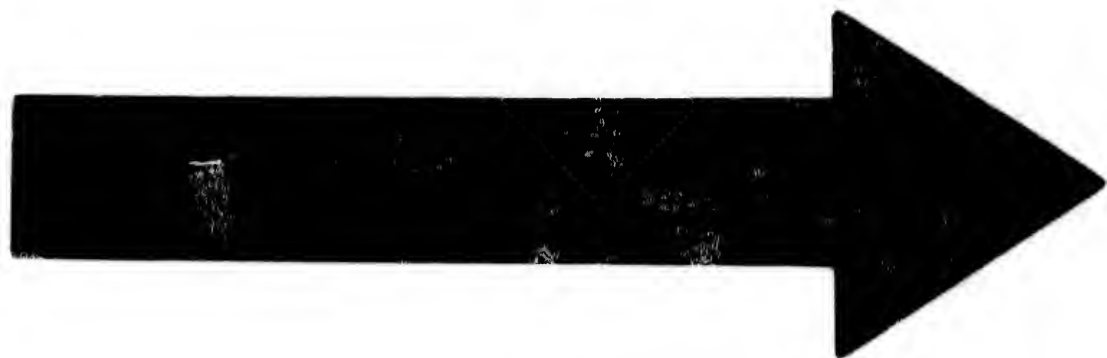
cil, to constitute and appoint a council for the affairs of the province of Quebeck, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the members of the said council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which council, so appointed and nominated, 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 his majesty's governour, or, in his absence, of the lieutenant-governour, or commander in chief for the time being.

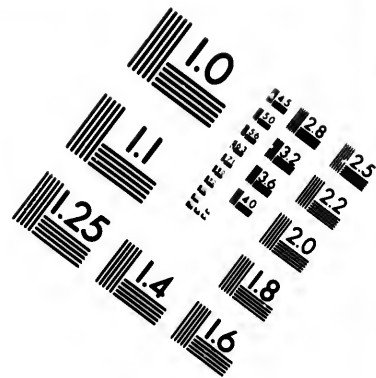
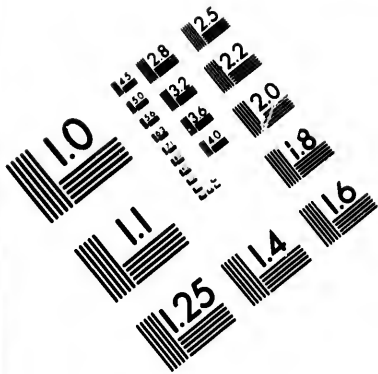
Provided always, That nothing in this act contained shall extend to authorise or impower the said legislative council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province

which council may make ordinances, with content of the governour.

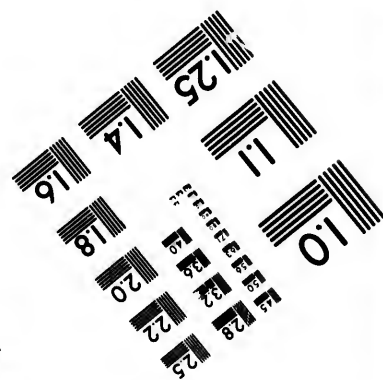
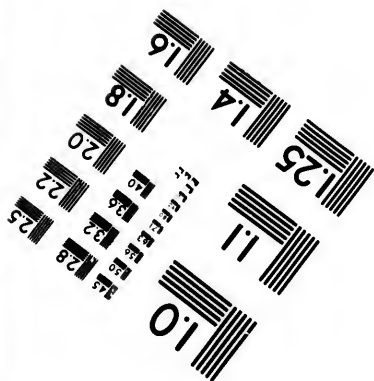
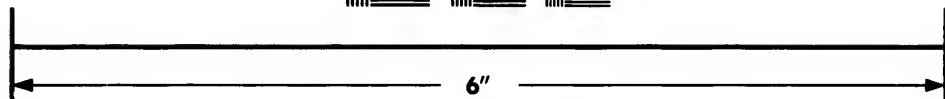
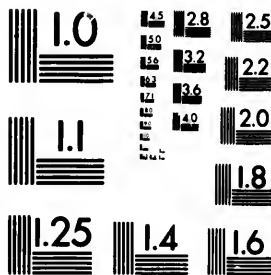
The council are not impowered to lay taxes,

Publick roads or buildings excepted.





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503



may be authorized by the said council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing publick buildings, or for any other purpose respecting the local convenience and oeconomy of such town or district.

Ordinances made to be laid before his Majesty for his approbation.

Provided also, and be it enacted by the authority aforesaid, That every ordinance so to be made, shall, within six months, be transmitted by the governour, or, in his absence, by the lieutenant-governour, or commander in chief for the time being, and laid before his majesty for his royal approbation; and if his majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his majesty's order in council thereupon shall be promulgated at Quebeck.

Ordinances touching religion not to be in force without his Majesty's approbation.

Provided also, That no ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his majesty's approbation.

Provided

Provided also, That no ordinance shall be passed at any meeting of the council where less than a majority of the whole council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every member thereof resident at Quebeck, or within fifty miles thereof, shall be personally summoned by the governour, or, in his absence, by the lieutenant-governour, or commander in chief for the time being, to attend the same.

When ordinances are to be passed by a majority.

And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his majesty, his heirs and successors, by his or their letters patent under the great seal of Great-Britain, from erecting, constituting, and appointing, such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of Quebeck, and appointing, from time to time, the judges and officers thereof, as his majesty, his heirs and successors, shall think

Nothing to hinder his Majesty to constitute courts of criminal, civil, and ecclesiastical jurisdiction.

think necessary and proper for the circumstances of the said province.

All acts formerly made are hereby enforced within the province.

Provided always, and it is hereby enacted, That nothing in this act contained shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any act or acts of the parliament of Great-Britain heretofore made, for prohibiting, restraining, or regulating, the trade or commerce of his majesty's colonies and plantations in America; but that all and every the said acts, and also all acts of parliament heretofore made concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be, in force, within the said province of Quebec, and every part thereof.

The difference between the legislative council proposed above in the draught of an act of parliament which was prepared by Mr. Maſeres, and approved by Messrs. Walker and Paterson, and that which is established by the foregoing act of parliament, will best appear by comparing them together, article by article, in some such manner as the following.

I lan

Plan of a Legislative Council for the Government of the Province of *Quebeck*, proposed by Mr. *Maseres*, and approved by Mr. *Thomas Walker*, of *Montreal*, and Mr. *John Paterfon*, of *Quebeck*, *English* Merchants of eminence settled in those Towns.

I. **T**O consist of thirty-one members, all protestants, and thirty years old.

R E A S O N S.

Because if Roman-Catholicks are admitted into the council, there is no good pretence for not having an assembly, agreeably to the king's proclamation and commissions to general *Murray* and general *Carleton*.

The large number thirty-one is in order to give weight to the proceedings of the council.

The age of thirty years is settled for the same reason, as nothing would make the council more contemptible than filling it with young fellows of two or three and twenty.

II. To continue for only seven years.

R E A S O N.

This is to keep in view the king's promise of calling an assembly as soon as the circumstances of the province will admit thereof.

III.

III. Not to have the power of imposing taxes.

R E A S O N.

Because this power, though not in itself greater than that of making laws for the province, is thought to be more liable to be abused.

IV. Seventeen members shall be necessary to do business.

R E A S O N.

This is to prevent the governours from passing ordinances in councils composed of their favourites and dependants.

V. The members who vote for any ordinance shall set their names to it in the council-book.

R E A S O N.

This is to make them cautious what ordinances they consent to.

VI. A fortnight's notice to be given in the Quebec Gazette before every meeting of the council for legislative purposes.

R E A S O N.

This is to prevent the governour from assembling the council suddenly, when only his favourites and dependants are at hand, and likely to attend it.

VII. The members of the council to be paid a sum not exceeding forty shillings each for every time they attend the council upon legislative

legisl
atten
men
coun

T
coun
be u
prefe
end
weig
obey
be fe
atten

VI
witho
beyon
make
be a

IX
years,
peate
the p
counsi

X.
a righ
as to
nour.

legislative business : with a proviso that, if the attendances are more than fifty in a year, no member shall receive above 100 l. on that account.

R E A S O N.

This is to induce the members to attend the council in considerable numbers, so that there may be usually twenty-four or twenty-five members present at the passing of an ordinance ; to the end that the ordinances may have the greater weight with the people, and be the more readily obeyed. Without some such provision, it is to be feared that the council would not be well attended.

VIII. Absence from the province for a year without the governour's leave, or for a year beyond the time allowed by his leave, shall make the person so absenting himself cease to be a counsellor.

IX. Absence from the province for three years, even with the governour's leave, or repeated leaves, for the whole time, shall make the person so absenting himself cease to be a counsellor.

X. Every member of the council shall have a right to bring a bill into the council, as well as to assent to one brought in by the governour.

O

R E A-

R E A S O N.

Because without this power the proceedings of the council would be too much under the direction of the governour.

XI. But the governour shall have a negative to a bill proposed by the council.

XII. The counsellors to be appointed by the king, and removed by him at his pleasure by his order in his privy council, but not by his signet and sign manual; and not to be removable, or suspendible, at all by the governour.

R E A S O N.

The counsellors are made thus independant of the governour, to the end that they may act freely according to their judgements in the exercise of their legislative authority, without implicitly obeying the directions of the governour through the fear of being displaced; and also to the end that the people may believe that they act with this freedom and independance, and respect them and the ordinances they pass, on that account. I am confident that counsellors that may be removed or suspended by the governour will never be supposed by the generality of the people to act freely and independantly, (whatever, from their particular dispositions of mind, they may really do,) and consequently will never be respected by them, nor their ordinances chearfully obeyed. The dependance on the king's pleasure, to be exercised in his privy council, is quite another thing.

XII.

X
coun
coun
twel
gove
meet
shall

It
of m
doing
whic
neces
the v
scribe

Th
posed
prove
migh
provid
counc
pend
pleasu
Tamer

XIII. Where the council is assembled as a council of state only, and not as a legislative council, it shall be sufficient to summon only twelve of the counsellors (such twelve as the governour shall think fit,) one day before the meeting of the council; and seven counsellors shall be a sufficient number to do business.

R E A S O N.

It might be very inconvenient and the cause of much delay, to restrain the governour from doing those executive duties of his office, to which the concurrence of the council is made necessary by his commission, without assembling the whole council in the manner above prescribed.

This is the plan of a legislative council proposed two years ago by Mr. Maseres and approved by Messrs. Walker and Paterfon. It might perhaps be a proper addition to it, to provide that the governour and four fifths of the council might, if they thought it necessary, suspend a member of the council till his Majesty's pleasure about removing him was known.
Tamen quære.

View of the Legislative Council for
the Government of the Province of
Quebeck established by the late Act
of Parliament.

I. **T**O consist either of seventeen members, or of twenty-three members, or of any intermediate number of members at the king's pleasure. And they may be all papists, or even popish priests, if the king shall so please; and of any age the king shall please above twenty-one years.

R E M A R K.

It is said that his majesty has, since the passing of this act of parliament, established a legislative council of twenty-three members, of whom seven are Canadians and Roman-Catholicks, to wit, Monsieur de la Naudière, Monsieur de Rigauville, Monsieur de Saint Ours, Monsieur Contre coeur, Monsieur Belestre, Monsieur de Lery, and Monsieur La Corne de Saint Luc. Now, since his majesty, in his royal wisdom, has thought fit to make this new council consist of twenty-three members rather than of seventeen, and to chuse only seven of the twenty-three from amongst his Roman-Catholick subjects in that province, and those all laymen, it seems reasonable to desire that the number of the counsellors in this new legislature should be fixed by act of parliament to be at least
twenty-

twenty-three, and that the number of Roman-Catholick members of it should be fixed at seven, which are the numbers chosen by his majesty, and that it should be provided that the latter shall all be laymen. For if this is the best method of constituting the new council, it is obvious that it would be better for the province, and more agreeable to the nature of a free government and the notions of people who have been used to one, that this best method should be strictly prescribed by a positive law than be left to the discretion, or arbitrary choice, of the person who wears the crown, which, though it is now enjoyed by a wise and beneficent monarch, may devolve hereafter upon persons of a different character. The principal difference between a free and an absolute government consists in this; that in the former the subjects enjoy their liberty and property, and other advantages of civil society, by virtue of the law alone, without being obliged for them to the humanity or discretion of any man or set of men whatsoever, but in the latter they hold them at the pleasure of the sovereign. The number therefore of the counsellors in this new legislature ought to be fixed by a positive law to be at least twenty-three, instead of being left to vary between the numbers of seventeen and twenty-three, as the king for the time being shall think fit: and the number of Roman-Catholick counsellors ought in like manner to be fixed, so as not to exceed seven, with a provision that they shall all be laymen.

But

But I will venture to go one step further, and to affirm, that the number of the members of this legislative council ought to be increased to thirty-one. For, if it should be possible to find eight persons more in the province, over and above the twenty-three counsellors already appointed, that are fit to be members of this council, I presume it will hardly be denied that it will be beneficial to the province that these eight persons should be added to the council; since it is obvious that a council consisting of thirty-one members is more likely to act with freedom and independency, and to know the state and condition of the province, and consequently is a fitter substitute for a general assembly of the people, than one that consists of fewer members, the individual members of both being supposed to possess the same degrees of merit and ability. It is therefore only necessary to shew that eight, or more, persons may be found in the province who may be reckoned worthy to be members of this council, and who are by no means inferiour to some of the persons already admitted into it. Now this, I presume, may be safely affirmed of the following persons, who are none of them as yet members of the council. In the first place, there are two, or more, new judges, who are now going into the province; who, if they are fit for the great offices they are to fill (as I do not doubt they are, and know one of them to be in an eminent degree,) must also be singularly fit to be members

mem
next p
and M
of M
of the
as ju
great
and a
and th
fortun
fessed
and to
be a m
intend
nour.
a nativ
had qu
before
many
justice
with g
charac
had a
under
of the
of late
the co
the far
which
quaint
wants
Canadi

members of this legislative council. In the next place, there are Mr. Du Mas Saint Martin, and Mr. Du Calvet, two protestant gentlemen of Montreal, who were settled there in the time of the French government, and who have acted as justices of the peace for that district with great diligence and integrity for many years, and are very much respected in the province, and the latter of whom is not only master of a fortune that makes him independent, but possessed likewise of a great independency of spirit and temper that renders him peculiarly fit to be a member of a legislative body that is not intended to be totally subservient to the government. In the next place, there is Mr. Martehl, a native of Old France, and a protestant, who had quitted France and settled in England long before the conquest of Canada, and who for many years together discharged the office of a justice of the peace for the district of Quebeck with great activity, and the utmost purity of character, (and this at a time when that office had a civil jurisdiction annexed to it in matters under the value of five pounds of the currency of the province, or 3l. 15s. sterling,) and who of late years has held the office of a judge of the court of common-pleas at Montreal with the same good reputation; by the exercise of which offices he is become intimately well acquainted with the sentiments, the manners, the wants and wishes, of the general body of the Canadian as well as English inhabitants of the province.

province. In the next place, there are Mr. Thomas Walker of Montreal, and Mr. John Paterſon of Quebeck, two eminent merchants of excellent understanding and character. The former of theſe was appointed a juſtice of the peace for the diſtrict of Montreal by governour Murray ; and while he acted in that office, was much reſpected for the integrity of his conduct in it by all ranks of people, and was extremely beloved by the Canadians, and conſidered by them as their patron and protector. He was, as every body knows, aſſaulted, and moſt cruelly wounded, and left for dead, by eight or nine armed ruffians in diſguiſe, on the 6th of December, 1764, in conſequence (as is moſt probable,) of a diſpute he had had with ſome gentlemen of the 28th regiment of foot, who were then quartered at Montreal, concerning the manner of billeting the officers and ſoldiers on the inhabitants, and of the great zeal he had ſhewn to rectify ſome abuſes and oppreſſive practices in that buſineſs which had been the ſubject of much complaint at that time. His whole conduct on this occaſion ſhewed his courage and his publick ſpirit in endeavouring to correſt thoſe abuſes. But it was attended with many unfortunate conſequences to himſelf. Amongſt others it produced his diſmiſſion from the office of a juſtice of the peace by governour Murray, who had appointed him to it. This diſmiſſion was the effect of the governour's reſentment for ſome complaints

comp
for ne
(as he
the ru
But it
For M
obtain
time ſe
compr
or the
the tim
majesty
reſtore
But ne
may ap
ſo reſto
Theſe
have an
to be a
of a m
which
temper
there is
good ſe
reſpecte
Richard
good te
ried a C
perhaps
ſupport
Mr. Mc
church

complaints Mr. Walker had made against him for not endeavouring with sufficient activity (as he thought,) to discover and bring to justice the ruffians by whom he had been so ill treated. But it was not approved by the king's majesty. For Mr. Walker, in the spring of the year 1766, obtained a letter from general Conway, (at that time secretary of state for that department which comprehended America,) to general Murray, or the commander in chief of the province for the time being, informing him that it was his majesty's pleasure that Mr. Walker should be restored to the office of a justice of the peace. But nevertheless it is a fact, (however strange it may appear,) that Mr. Walker has never been so restored from that time to the present day. These cruel and unmerited misfortunes, which have arisen chiefly from his publick spirit, seem to be a reason for advancing him to the office of a member of this legislative council, for which his good understanding and independent temper peculiarly qualify him. In the next place, there is Mr. Jourdain of Montreal, a person of good sense, in good circumstances, and much respected there: and at Quebeck there is Mr. Richard Murray, who is a man of good sense, good temper and character, and who has married a Canadian woman. And to these it may perhaps be proper to add, for the honour and support of the protestant religion, the reverend Mr. Montmollin, the protestant minister of the church of England at Quebeck, and the

P

reverend

reverend Mr. De Lisle, the protestant minister of the church of England at Montreal.

Perhaps also it might be proper to add, for the sake of preserving a friendly intercourse between the military gentlemen and the civil inhabitants of the province, (which is now happily restored, by the moderation and good behaviour of the troops, after the unfortunate interruption of it for some years by the assault upon Mr. Walker, and the proceedings subsequent thereto,) I say, perhaps it might be proper to add, for this important reason, the two commanding officers of the troops at Quebec and Montreal. Yet I mention this with some hesitation, as I apprehend many lovers of liberty in the province will be of a different opinion. These are no less than thirteen persons, all protestants, most of whom, I doubt not, will be allowed by persons acquainted with the province to be fit to be members of this council. And I am persuaded that several more such might be mentioned by gentlemen who have been lately in the province, and who are better acquainted than I am with its present state and inhabitants. But if only eight of these persons are fit to be made members of this council, it is sufficient to support what is above advanced, that the number of its members ought to be increased to thirty-one.

I will venture to observe further concerning this legislative council, that, if it is intended to be any check upon the power of the governours of

of the
subser
it, or
pointe
than
such p
tempe
ply, a
of the
by wh
respec
ordina
from

II.
finite
shall p

This
assemb
to def
indefin
is cont
this ver
that pre
ing the
a certai
above,
to thofe
tain, or

III.
taxes, e

of the province, and not to act in compleat subservience to their directions, the members of it, or at least some of them, ought to be appointed by the recommendation of other persons than the governour of the province, and to be such persons as are known to be of independent tempers and principles, and not likely to comply, against their judgments, with the dictates of the governours : and that this is the only way by which the legislative council can be rendered respectable in the eyes of the people, and their ordinances find a ready and chearful obedience from them.

II. This council is to continue for an indefinite time, or till another act of parliament shall put an end to it.

R E M A R K.

This removes the prospect of having an assembly to an indefinite distance, so as almost to destroy all hopes of it. And, further, this indefinite continuance of the legislative council is contrary to what is stated as fit to be done in this very act in the preamble to this clause. For that preamble mentions the necessity of intrusting the legislative authority of the province, *for a certain time*, to persons resident therein. See above, page 90. Why therefore is it intrusted to those persons by the clause itself *for an uncertain, or indefinite, time?*

III. Not to have the power of imposing taxes, except in certain cases.

R E M A R K.

The exception is pretty large, and loosely worded.

IV. A majority of the whole number shall be necessary to do business ; that is, nine members, if the council consists of seventeen, and twelve, if it consists of twenty-three.

R E M A R K.

This number is considerably less than seventeen, and therefore their ordinances will be less regarded by the people.

V. The members who vote for any ordinance are not required to sign their names to it.

VI. No notice is required to be given in the Quebec Gazette of the meetings of the council any number of days before-hand.

VII. No provision is made in the act for paying the counsellors for their attendance at the councils, in order to induce them to attend in considerable numbers.

R E M A R K.

It is indeed said to be the intention of the ministry to give the counsellors a salary of one hundred pounds a year a-piece. But this is not to depend upon their diligence in attending the councils, and therefore will have little, or no, effect in procuring a numerous attendance. Nor is it easy to see of what benefit to the province this manner of bestowing two thousand three hundred pounds a year of the public money

money is likely to prove. The obvious tendency of it is to make the counsellors exceedingly dependent on the governour, and subservient to his inclinations.

VIII. It is said in the act that upon the death, removal, or absence of any one of the counsellors it shall be lawful for the king to make another counsellor to supply such vacancy.

R E M A R K.

By this clause it should seem that any absence from the province, (even with the governour's leave) for any time how short soever, will vacate a counsellor's seat in the council. Yet this can hardly be supposed to be the intention of the makers of the act. This clause therefore stands in need of a fuller and more distinct explication.

IX. It is not provided by the act that every member of the council shall have a right of proposing an ordinance as well as that of assenting to one proposed by the governour.

R E M A R K.

There is some danger from the want of such a provision that the council will not think themselves at liberty to do any thing more than assent to, or dissent from, the ordinances which may be proposed by the Governour; which would put the legislative authority too much in the hands of the Governour.

X. There

X. There is nothing in the act which hinders the king from delegating to the governour a power of removing or suspending the counsellors at his pleasure.

R E M A R K.

If such a power of removing, or suspending, the counsellors should be delegated to the governour, (as it has been with respect to the former council established by the king's instructions before this act was passed,) it would make them be looked upon by the people of the province as the mere creatures and tools of the governour, which would much diminish the respect and obedience that would be paid to their ordinances.

It is therefore now much to be wished that the legislative council established by the late act, seeing that it is so exceedingly dependent in its present constitution, may be rendered more independent, and consequently more respectable in the eyes of the people who are to be governed by it, by adopting, (in a bill to explain and amend the former,) the restrictions and precautions above-mentioned, or such others as may be better fitted to obtain that end. And likewise that its continuance may be limited to some short period of time, as seven years, in order to give the inhabitants of the province (Canadians as well as English,) some prospect of having the royal promise in the proclamation of October, 1763, of being governed by an assembly of the freeholders of the province, one day or other carried into execution. Of

Of
C
C
i
A
A
man-
prepa
the l
vern
lowin
taine
state
requ
paper
mout
Amer
1773
mont
to the
jesty.
names
as fol

Of the Proceedings of divers of the French Inhabitants of the Province of Quebeck, in Opposition to those of the British and Protestant Settlers in it, for obtaining a House of Assembly.

ABOUT the month of October, or November, 1773, divers of the French Roman-Catholicks in the province of Quebeck prepared and signed the following petition to the king, for settling the laws and civil government of the province; and also the following memorial concerning the matters contained in the petition, in which memorial they state the grounds and reasons of the several requests contained in the petition. These papers were transmitted to the earl of Dartmouth, his majesty's secretary of state for America, about the month of December, 1773, and were received by him about the month of February, 1774; and the petition to the king was soon after presented to his majesty. This petition and memorial, with the names of the persons who signed them, were as follows.

A

A Petition of divers of the Roman-Catholick Inhabitants of the Province of Quebeck to the King's Majesty, signed, and transmitted to the Earl of Dartmouth, his Majesty's Secretary of State for America, about the Month of December, 1773, and presented to his Majesty about the Month of February, 1774.

Au Roy.

‘ SIRE,

‘ **V**OS très-soûmis et très-fidèles nouveaux
 ‘ sujets de la province de Canada prennent
 ‘ la liberté de se prosterner au pied du throne,
 ‘ pour y porter les sentimens de respect, d’a-
 ‘ mour, et de soûmission dont leurs cœurs sont
 ‘ remplis envers votre auguste personne, et
 ‘ pour lui rendre de très-humbles actions de
 ‘ grace de ses soins paternels.

‘ Nôtre reconnoissance nous force d’avoüer
 ‘ que le spectacle effrayant d’avoir été conquis
 ‘ par les armes victorieuses de vôtre Majesté
 ‘ n’a pas longtems excité nos regrets et nos
 ‘ larmes. Ils se sont dissipés à mesure que nous
 ‘ avons appris combien il est doux de vivre
 ‘ sous les constitutions sages de l’empire Bri-
 ‘ tannique.

' tannique. En effet, loin de ressentir au mo-
 ' ment de la conquête les tristes effets de la
 ' gêne et de la captivité, le sage et vertueux
 ' Général qui nous a conquis, digne image du
 ' Souverain glorieux qui lui confia le comman-
 ' dement de ses armées, nous laissa en posses-
 ' sion de nos loix et de nos coutumes. Le
 ' libre exercice de nôtre religion nous fût con-
 ' servé, et confirmé par le traité de paix : et
 ' nos anciens citoyens furent établis les juges
 ' de nos causes civiles. Nous n'oublirons jamais
 ' cet excès de bonté : ces traits généreux d'un
 ' si doux vainqueur seront conservés précieuse-
 ' ment dans nos fastes ; et nous les transmet-
 ' trons d'âge en âge à nos derniers neveux. —
 ' Tels sont, Sire, les doux liens qui dans le
 ' principe nous ont si fortement attachés à
 ' vôtre majesté : liens indissolubles, et qui se
 ' resserreront de plus en plus.

' Dans l'année 1764, votre Majesté daigna
 ' faire cesser le gouvernement militaire dans
 ' cette colonie, pour y introduire le gouverne-
 ' ment civil. Et dès l'époque de ce change-
 ' ment nous commençames à nous apperce-
 ' voir des inconveniens qui résultoient des loix
 ' Britanniques, qui nous étoient jusqu'alors in-
 ' connues. Nos anciens citoyens, qui avoient
 ' réglé sans frais nos difficultés, furent remer-
 ' ciez : cette milice qui se faisoit une gloire de
 ' porter ce beau nom sous vôtre empire, fût
 ' supprimée. On nous accorda à la vérité le
 ' droit d'être jurés : mais, en même tems, on

Q

' nous

‘ nous fit éprouver qu’il y avoit des obstacles
 ‘ pour nous à la possession des emplois. On
 ‘ parla d’introduire les loix d’Angleterre, infi-
 ‘ niment sages et utiles pour la mère-patrie,
 ‘ mais qui ne pourroient s’allier avec nos coù-
 ‘ tumes sans renverser nos fortunes et détruire
 ‘ entièrement nos possessions. — Tels ont
 ‘ été depuis ce tems, et tels sont encore, nos
 ‘ justes sujets de crainte ; tempérés néanmoins
 ‘ par la douceur du gouvernement de vôtre
 ‘ Majesté.

‘ Daignez, illustre et généreux Monarque,
 ‘ dissiper ces craintes en nous accordant nos
 ‘ anciennes loix, privilèges, et coùtumes, avec
 ‘ les limites du Canada telles qu’elles étoient
 ‘ cy-devant. Daignez repandre également vos
 ‘ bontés sur tous vos sujets sans distinction.
 ‘ Conservez le titre glorieux de Souverain d’un
 ‘ peuple libre. Eh ! ne seroit-ce pas y donner
 ‘ atteinte, si plus de cent milles nouveaux sujets,
 ‘ soumis à vôtre empire, étoient exclus de vôtre
 ‘ service et privés des avantages inestimables dont
 ‘ jouïssent vos anciens sujets ? — Puisse le ciel,
 ‘ sensible à nos prières et nos vœux, faire jouïr
 ‘ vôtre Majesté d’un regne aussi glorieux que
 ‘ durable ! Puisse cette auguste famille d’Han-
 ‘ovre, à laquelle nous avons prêté les sermens
 ‘ de fidélité les plus solennels, continuer à
 ‘ regner sur nous à jamais !

‘ Nous finissons en suppliant vôtre Majesté
 ‘ de nous accorder, en commun avec ses autres
 ‘ sujets, les droits et privilèges de Citoyens An-
 ‘ glois.

' glois. Alors nos craintes seront dissipées : nous
 ' filerons des jours sereins et tranquilles ; et nous
 ' serons toujours prêts à les sacrifier pour la
 ' gloire de notre prince et le bien de notre
 ' patrie.'

' Nous sommes, avec la submission la plus
 ' profonde,

' De votre Majesté,

' Les très-obéissant, très-zélés, et

' très-fidèles sujets,

' Fr. Simonnet,

' Landriève,

' De Rouville,

' De Rouville, fils,

' Longueuil,

' Hertel Beau bassin,

' St. Difier,

' John Vienne,

' La Périer,

' Le Palliau,

' J. Daillebout de Cuisy,

' Gordien de Cuisy, fils,

' La Corne, fils,

' Picotté de Belestre,

' St. Ours,

' St. Ours, fils,

' Chevalier de St. Ours,

l'eschaillon,

' Carilly,

' La

- ‘ La Corne,
- ‘ Le Moine,
- ‘ Quinson de St. Ours,
- ‘ Guy,
- ‘ Pouvret,
- ‘ Contre cœur,
- ‘ St. George Du Prè,
- ‘ Des Rivières,
- ‘ Louvigny de Montigny,
- ‘ Montigny, fils,
- ‘ Sanguinet,
- ‘ L. Porlier,
- ‘ Jean Crittal,
- ‘ J. G. Hubert,
- ‘ Pierre Panet, fils,
- ‘ Fr. Cariau,
- ‘ Pierre Foretier,
- ‘ Landriaux,
- ‘ L. Defoui,
- ‘ J. G. Pillet,
- ‘ La Combe,
- ‘ Fr. La Combe,
- ‘ Ch. Sanguinet,
- ‘ Jobert,
- ‘ J. Sanguinet,
- ‘ M. Blondeau,
- ‘ S. Chaboille,
- ‘ Eauge,
- ‘ J. G. Bourassa,
- ‘ J. La Crpix,
- ‘ P. Panet,
- ‘ Giasson,

‘ J. B.

A M
Pe
Pe

‘ Mé
‘ tr
‘ d

‘ L
‘ çois
‘ actu
‘ don
‘ fuje

‘ J. B. Blondeau,
 ‘ Vallés,
 ‘ Le Grand,
 ‘ Pillet,
 ‘ L. Baby,
 ‘ P. Pillet,
 ‘ Hamelin, fils,
 ‘ Laurent Du Charmc,
 ‘ Foucher,
 ‘ Berthelot,
 ‘ Lamber St. Omer,
 ‘ Mézière,
 ‘ De Bonne,
 ‘ St. Ange,
 ‘ Gamelin.

A Memorial of the foregoing French
 Petitioners in Support of their
 Petition.

‘ Mémoire pour appuyer les demandes des
 ‘ très soûmis et très fidèles nouveaux sujets
 ‘ de sa majesté en Canada.

‘ **L**’Augmentation d’un si vaste païs, tel
 ‘ qu’il étoit lors du gouvernement Fran-
 ‘ çois, dont le nombre des habitans excède
 ‘ actuellement plus de cent milles âmes,
 ‘ dont les dix-neuf vingtièmes sont nouveaux
 ‘ sujets ;---l’avancement de son agriculture ;--
 ‘ l’encouragement

‘ l’encouragement de la navigation et de son
 ‘ commerce;----un arrangement à faire sur
 ‘ des fondements inébranlables, qui puisse
 ‘ déraciner la confusion qui y regne, faute
 ‘ de loix fixes et autorisées;---sont des points
 ‘ présentement en considération qui sont dig-
 ‘ nes de la sagesse du gouvernement.

‘ La conservation de nos anciennes loix,
 ‘ coûtumes, et privilèges, dans leur entier,
 ‘ (et qui ne peuvent être changées ni altérées
 ‘ sans détruire et renverser entièrement nos
 ‘ titres et nos fortunes,) est une grace et un
 ‘ acte de justice que nous espérons de la
 ‘ bonté de sa majesté.

‘ Nous demandons avec ardeur la partici-
 ‘ pation aux emplois civils et militaires.
 ‘ L’idée d’une exclusion nous effraye. Nous
 ‘ avons prêté à sa majesté et à l’auguste fa-
 ‘ mille d’Hanovre le serment de fidélité le
 ‘ plus solennel: et depuis la conquête nous
 ‘ nous sommes comportés en fidèles sujets.
 ‘ Enfin nôtre zèle et nôtre attachement nous
 ‘ feront toujours sacrifier nos jours pour la
 ‘ gloire de nôtre souverain et la sûreté de
 ‘ l’état.

‘ La colonie, telle qu’elle est fixée main-
 ‘ tenant par la ligne de quarante cinq degrés,
 ‘ est trop resserrée dans ses limites. Cette
 ‘ ligne, qui la borne, passe à environ quinze
 ‘ lieües au dessus de Montréal: et cepen-
 ‘ dant c’est de ce seul côté que les terres se
 ‘ trouvent

‘ trouvent fertiles, et que peut s’étendre
 ‘ avec plus d’avantage l’agriculture. Nous
 ‘ supplions que, comme sous le tems du
 ‘ gouvernement François, on laisse à nôtre
 ‘ colonie tous les païs d’enhaut connus sous
 ‘ les noms de Missilimakinac, du Détroit, et
 ‘ autres adjacents jusques au fleuve du Missi-
 ‘ sippi. La ré-union de ces postes seroit
 ‘ d’autant plus nécessaire à nôtre païs que, n’y
 ‘ ayant point de justice établie, les voyageurs
 ‘ de mauvaise foi, auxquels nous fournissons
 ‘ des marchandises pour faire le commerce
 ‘ avec les sauvages, y restent impunément
 ‘ avec nos effets; ce qui ruine entièrement
 ‘ cette colonie, et fait de ces postes une re-
 ‘ traite de brigands capables de soulever les
 ‘ nations sauvages.

‘ Nous désirons aussi qu’il plût à sa ma-
 ‘ jesté ré-unir à cette colonie la côte de La-
 ‘ brador, (qui en a été aussi soustraite,) telle
 ‘ qu’elle y étoit autrefois. La pêche du
 ‘ loup marin (qui est le seule qui se fait
 ‘ sur cette côte,) ne s’exerce que dans le fond
 ‘ de l’hyver, et ne dure souvent pas plus d’une
 ‘ quinzaine de jours. La nature de cette
 ‘ pêche, qui n’est connue que des habitants
 ‘ de cette colonie;---son peu de durée;---
 ‘ et la rigueur de la saison, qui ne permet
 ‘ point aux navires de rester sur les côtes;---
 ‘ combinent à exclurre tous les pêcheurs
 ‘ qui viennent de l’Angleterre.

‘ Nous

‘ Nous représentons humblement que cette
 ‘ colonie, par les fléaux et calamités de la
 ‘ guerre et les fréquents incendies que nous
 ‘ avons effuiés, n'est pas encore en état de
 ‘ payer ses dépenses, et, par conséquent, de
 ‘ former une chambre d'assemblée. Nous
 ‘ pensons qu' 'un conseil plus nombreux qu'il
 ‘ n'a été jusqu'à ici, composé d'anciens et
 ‘ nouveaux sujets, seroit beaucoup plus à
 ‘ propos.

‘ Nous avons lieu d'espérer des soins patér-
 ‘ nels de sa majesté, que les pouvoirs de ce
 ‘ conseil seront par elle limités, et qu'ils
 ‘ s'approcheront le plus qu'il sera possible,
 ‘ à la douceur et à la modération qui font la
 ‘ base du gouvernement Britannique.

‘ Nous espérons d'autant mieux cette grâce
 ‘ que nous possédons plus de dix douzièmes
 ‘ des seigneuries et presque toutes les terres en
 ‘ rotures.

Fr. Simonnet,
 Landriève,
 De Rouville,
 De Rouville, fils
 Hertel Beau bassin,
 St. Difier,
 In. Vienne,
 La Perier,
 Le Palliau,
 J. Daillebout de Cuify.
 Gordien de Cuify, fils,

La Corne, fils,
 Picoté de Belestre,
 St. Ours,
 St. Ours, fils.
 Chevalier de St. Ours,
 Pefchaillon,
 Carilly,
 La Corne,
 Le Moine,
 Quinson de St. Ours,
 Guy,
 Pouvret,
 Contre cœur,
 St George Du Prè,
 Des Rivières,
 Louvigny de Montigny,
 Montigny, fils,
 Sanguinet,
 L. Porlier,
 Jean Crittal,
 J. G. Hubert,
 Pierre Panet, fils
 Fr. Cariau,
 Pierre Foretier,
 Landriaux,
 L. Defoui,
 J. G. Pillet,
 La Combe,
 Fr. La Combe,
 Ch. Sanguinet,
 Jobert,
 J. Sanguinet,
 M. Blondeau,
 S. Chaboille,

R

Eauge,

La

Eauge,
J. G. Bourassa,
J. La Croix,
P. Panet,
Giaffon,
J. B. Blondeau,
Vallés,
Le Grand,
Pillet,
L. Baby,
P. Pillet,
Hamelin, fils,
Laurent Du Charme,
Foucher,
Berthelot,
Lamber St. Omer,
Mézière,
De Bonne,
St. Ange,
Gamelin.'

The two foregoing French papers, being translated into English, are as follows.

Translation

Tr
C
C
P
a
I
a

'
' Y
' the
' of
' the
' obe
' whi
' to y
' for
' O
' that
' by
' long
' and
' lefs
' with
' regu
' even
' we
' effe

Translation of the foregoing Petition
of divers of the French Inhabitants
of the Province of Quebeck to the
King's Majesty, which was signed
about the Month of December,
1773, and presented to the King
about February, 1774.

‘ S I R,

‘ **Y**OUR most obedient and faithful new
‘ subjects in the province of Canada take
‘ the liberty to prostrate themselves at the foot
‘ of your throne, in order to lay before you
‘ the sentiments of respect, affection, and
‘ obedience towards your august person, with
‘ which their hearts overflow, and to return
‘ to your majesty their most humble thanks
‘ for your paternal care of their welfare.

‘ Our gratitude obliges us to acknowledge,
‘ that the frightful appearances of conquest
‘ by your majesty's victorious arms did not
‘ long continue to excite our lamentations
‘ and tears. They grew every day less and
‘ less as we gradually became more acquainted
‘ with the happiness of living under the wise
‘ regulations of the British empire. And
‘ even in the very moment of the conquest,
‘ we were far from feeling the melancholy
‘ effects of restraint and captivity. For the

' wise and virtuous general who conquered
 ' us, being a worthy representative of the
 ' glorious soveteign who entrusted him with
 ' the command of his armies, left us in
 ' possession of our laws and customs: the
 ' free exercise of our religion was preserved
 ' to us, and afterwards was confirmed by the
 ' treaty of peace; and our own former coun-
 ' trymen were appointed judges of our dis-
 ' putes concerning civil matters. This excess
 ' of kindness towards us we shall never forget.
 ' These generous proofs of the clemency of
 ' our benign conqueror will be carefully pre-
 ' served in the annals of our history; and we
 ' shall transmit them from generation to gene-
 ' ration to our remotest posterity. These,
 ' Sir, are the pleasing ties by which, in the
 ' beginning of our subjection to your ma-
 ' jesty's government, our hearts were so
 ' strongly bound to your majesty; ties which
 ' can never be dissolved, but which time will
 ' only strengthen and draw closer.

' In the year 1764, your majesty thought
 ' fit to put an end to the military government
 ' of this province, and to establish a civil go-
 ' vernment in its stead. And from the instant
 ' of this change we began to feel the incon-
 ' veniencies which resulted from the intro-
 ' duction of the laws of England, which till
 ' then we had been wholly unacquainted with.
 ' Our former countrymen, who till that time
 ' had been permitted to settle our civil disputes
 ' without

' with
 ' for
 ' mil
 ' bee
 ' und
 ' asid
 ' to f
 ' wer
 ' cert
 ' plac
 ' We
 ' wer
 ' tho
 ' to t
 ' whi
 ' and
 ' over
 ' poss
 ' æra
 ' such
 ' une
 ' ever
 ' alar
 ' you
 ' nift
 ' V
 ' sove
 ' une
 ' law
 ' tenc
 ' Vou
 ' upo

' without any expence to us, were thanked
 ' for their services, and dismissed: and the
 ' militia of the province, which had till then
 ' been proud of bearing that honourable name
 ' under your majesty's command, was laid
 ' aside. It is true indeed we were admitted
 ' to serve on juries: but at the same time we
 ' were given to understand, that there were
 ' certain obstacles that prevented our holding
 ' places under your majesty's government.
 ' We were also told that the laws of England
 ' were to take place in the province, which,
 ' though we presume them to be wisely suited
 ' to the regulation of the mother-country for
 ' which they were made, could not be blended
 ' and applied to our customs without totally
 ' overturning our fortunes and destroying our
 ' possessions. Such have been ever since the
 ' æra of that change in the government, and
 ' such are still at this time, our just causes of
 ' uneasiness and apprehension; which how-
 ' ever we acknowledge to be rendered less
 ' alarming to us by the mildness with which
 ' your majesty's government has been admi-
 ' nistered.

' Vouchsafe, most illustrious and generous
 ' sovereign, to dissipate these fears and this
 ' uneasiness, by restoring to us our ancient
 ' laws, privileges, and customs, and to ex-
 ' tend our province to its former boundaries.
 ' Vouchsafe to bestow your favours equally
 ' upon all your subjects in the province,
 ' without

‘ without any distinction! Preserve the glo-
 ‘ rious title of sovereign of a free people: a
 ‘ title which surely would suffer some dimi-
 ‘ nution, if more than an hundred thousand
 ‘ new subjects of your majesty in this province,
 ‘ who had submitted to your government,
 ‘ were to be excluded from your service, and
 ‘ deprived of the inestimable advantages
 ‘ which are enjoyed by your majesty’s antient
 ‘ subjects. May heaven, propitious to our
 ‘ wishes and our prayers, bestow upon your
 ‘ majesty a long and happy reign! May the
 ‘ august family of Hanover, to which we
 ‘ have taken the most solemn oaths of fide-
 ‘ lity, continue to reign over us to the end of
 ‘ time!

‘ We conclude by intreating your majesty
 ‘ to grant us, in common with your other
 ‘ subjects, the rights and privileges of citi-
 ‘ zens of England. Then our fears will be
 ‘ removed, and we shall pass our lives in
 ‘ tranquillity and happiness, and shall be
 ‘ always ready to sacrifice them for the glory
 ‘ of our prince and the good of our country.

‘ We are, with the most profound sub-
 ‘ mission,

‘ Your majesty’s most obedient, most loyal,
 ‘ and most faithful subjects,

‘ Fr. Simonnet, &c. &c.’

Translation

Tra
 r
 n
 e
 in
 n

 T
 ‘ the
 ‘ the
 ‘ ther
 ‘ thou
 ‘ nine
 ‘ king
 ‘ cour
 ‘ and
 ‘ by v
 ‘ buil
 ‘ tion
 ‘ root
 ‘ spre
 ‘ wan
 ‘ by a
 ‘ whic
 ‘ of th
 ‘ obje
 ‘ T
 ‘ custo

Translation of the foregoing Memorial in Support of the Requests made by his Majesty's most obedient and most faithful new Subjects in Canada, in their Petition above-mentioned.

‘ **T**HE improvement of so vast a country
 ‘ as Canada is, if considered as having
 ‘ the same boundaries as it had in the time of
 ‘ the French government; a country in which
 ‘ there are at present more than an hundred
 ‘ thousand inhabitants, of whom more than
 ‘ nineteen in twenty are new subjects of the
 ‘ king;----the increase of agriculture in this
 ‘ country;---the encouragement of its trade
 ‘ and navigation;---a settlement of the laws
 ‘ by which its inhabitants are to be governed,
 ‘ built upon solid and immoveable founda-
 ‘ tions, so as to remove and cut up by the
 ‘ roots the confusion which at present over-
 ‘ spreads the province in consequence of the
 ‘ want of clear and known laws established
 ‘ by an incontestable authority;---are points
 ‘ which are now proposed to the consideration
 ‘ of the British government, and are worthy
 ‘ objects of its attention and wisdom.
 ‘ The continuance of our ancient laws,
 ‘ customs, and privileges, in their whole ex-
 ‘ tent,

‘ tent, (because it is impossible to change or
 ‘ alter them without destroying and totally
 ‘ overthrowing our titles to our estates and
 ‘ our fortunes;) is a favour, and even an act
 ‘ of justice, which we hope for from the
 ‘ goodness of his majesty.

‘ We ardently desire to be admitted to a
 ‘ share of the civil and military employments
 ‘ under his majesty’s government. The
 ‘ thought of being excluded from them is
 ‘ frightful to us. We have taken the most
 ‘ solemn oath of fidelity to his majesty and
 ‘ the august family of Hanover: and ever
 ‘ since the conquest of the country, we have
 ‘ behaved like loyal subjects. And our zeal
 ‘ and attachment to our gracious sovereign
 ‘ will make us always ready to sacrifice our
 ‘ lives for his glory and the defence of the
 ‘ state.

‘ The province, as it is now bounded by a
 ‘ line passing through the forty-fifth degree of
 ‘ north latitude, is confined within too narrow
 ‘ limits. This line is only fifteen leagues
 ‘ distant from Montreal. And yet it is only
 ‘ on this side that the lands of the province
 ‘ are fertile, and that agriculture can be cul-
 ‘ tivated to much advantage. We desire
 ‘ therefore that, as under the French go-
 ‘ vernment our colony was permitted to ex-
 ‘ tend over all the upper countries known
 ‘ under the names of Michilimakinac, De-
 ‘ troit, and other adjacent places, as far as
 ‘ the

' the river Mississippi, so it may now be en-
 ' larged to the same extent. And this re-
 ' annexation of these inland posts to this pro-
 ' vince is the more necessary on account of
 ' the fur-trade which the people of this pro-
 ' vince carry on to them; because, in the
 ' present state of things, as there are no courts
 ' of justice whose jurisdiction extends to those
 ' distant places, those of the factors we send
 ' to them with our goods to trade with the
 ' Indians for their furs who happen to prove
 ' dishonest continue in them out of the reach
 ' of their creditors, and live upon the profits
 ' of the goods entrusted to their care: which
 ' intirely ruins this colony, and turns these
 ' posts into harbours for rogues and vagabonds,
 ' whose wicked and violent conduct is often
 ' likely to give rise to wars with the Indians.

' We desire also that his majesty would be
 ' graciously pleased to re-annex to this pro-
 ' vince the coast of Labrador, which for-
 ' merly belonged to it, and has been taken
 ' from it since the peace. The fishery for
 ' seals, which is the only fishery carried on
 ' upon this coast, is carried on only in the
 ' middle of winter, and sometimes does not
 ' last above a fortnight. The nature of this
 ' fishery, which none of his majesty's subjects
 ' but the inhabitants of this province under-
 ' stand; the short time of its continuance;
 ' and the extreme severity of the weather,
 ' which makes it impossible for ships to con-

' tinue at that time upon the coasts ; are cir-
 ' cumstances which all conspire to exclude
 ' any fishermen from Old England from hav-
 ' ing any share in the conduct of it.

' We further most humbly represent that,
 ' by means of the ravages and calamities of
 ' the late war, and the frequent fires that
 ' have happened in our towns, this colony is
 ' not as yet in a condition to defray the ex-
 ' pences of its own civil government, and
 ' consequently not in a condition to admit of
 ' a general assembly. We are therefore of
 ' opinion that a council that should consist of
 ' a greater number of members than that
 ' which has hitherto subsisted in the province,
 ' and that should be composed partly of his
 ' majesty's old subjects, and partly of his new
 ' ones, would be a much fitter instrument of
 ' government for the province in its present
 ' state.

' We have reason to hope, from the pa-
 ' ternal care which his majesty has hitherto
 ' shewn for our welfare, that the powers of
 ' this council will be restrained by his majesty
 ' within proper bounds, and that they will be
 ' made to approach as near as possible to the
 ' mildness and moderation which form the
 ' basis of the British government.

' We hope the rather that his majesty
 ' will indulge us in the above requests, be-
 ' cause we possess more than ten out of twelve

' of

' of
 ' al
 ' wh

It
 the a
 been
 liame
 think
 able t
 Cana
 so. I
 that
 only
 ber t
 tition
 were
 ber o
 tition
 were
 of age
 at the
 are, a
 son, a
 whom
 two a
 Jeffery
 time d

- ‘ of ^{the} the seigniories in the province, and
- ‘ almost all the lands of the other tenure, or
- ‘ which are holden by rent-service.

‘ Fr. Simonnet, &c. &c.’

It is easy to see that the foregoing petition of the aforesaid French inhabitants of Canada has been made the foundation of the act of parliament above-recited. But there is reason to think that this petition is by no means agreeable to the general sense of the body of the Canadians, notwithstanding it pretends to be so. For, in the first place, it may be observed, that the number of names to this petition is only sixty-five, which is a much smaller number than those which were signed to the petition of the English for an assembly, which were 148. And to make up this number of sixty-five names, some of the petitioners have made their children sign it, who were either young men under twenty-one years of age, or lads of fifteen or sixteen, or younger, at the seminary of Quebeck. Of this kind are, as I am informed, Mr. Peter Panet, the son, and Mr. St. Ours, the son, the latter of whom was born in the year 1760, a month or two after the surrender of the country to Sir Jeffery Amherst, and therefore was, at the time of signing this petition, about 13 years of

S 2

age.

age. And infinite pains were taken, (as I am assured from good authority,) by the popish bishop and his clergy, to procure the signatures that are found to it. For the truth is, that the majority of his majesty's new Canadian subjects of the industrious sort, (that were engaged in trade or agriculture, and had not been officers in the French king's troops, or held other employments under the French government,) have rather expressed a liking for the general body of the laws of England, since they have had experience of them, than a wish to see their former laws restored; having enjoyed, and being always ready to acknowledge that they have enjoyed, a greater degree of liberty for their persons, security for their property, and encouragement to the exertion of their industry in trade and agriculture, since the introduction of the laws of England into the province, than ever they had known before, together with, what they value perhaps more than all the rest, an exemption from the insolent and capricious treatment of their former superiours. And, in pursuance of this favourable opinion entertained by them of the English laws, great numbers of them were, some time after the arrival of the late act of parliament in the province, disposed (as my correspondents in the province assure me in the most positive terms,) to join with the English inhabitants in petitioning his majesty for the continuance of the English laws,

and

and
alar
ours
relig
with
wha
corre
port
leave
are a
" th
" m
" F
" pe
" fe
" w
" an
" dr
" cu
" ou
" nu
" of
" co
" in
" th
" in
" fe
" ha
" th
" fa
" w
" m

and were only deterred from doing so by false alarms spread amongst them by their superiours concerning the dangers to which their religion would be exposed if they were to join with the English in any publick representation whatsoever. The passage of the letter of my correspondents, in which they relate this important fact, is so remarkable, that I beg leave to transcribe the very words of it. They are as follows. “ In justice to the bulk of
 “ the Canadian inhabitants, who have formerly smarted under the rigour of the
 “ French government, and the caprice of petty tyrants of those days, we must confess that they prefer infinitely English law,
 “ which secures their liberty and property, and gives a free scope to their industry, and dread falling again under the laws and
 “ customs of Canada. This we declare upon our own certain knowledge, as very great
 “ numbers throughout the province have offered to join us in petitioning for the
 “ continuance of English laws, and disavowing their consent, privity, or knowledge of
 “ the petition which was sent hence last year in their names, though signed only by a
 “ few persons in the province. But when we had prepared a paper, at their desire, for
 “ them to sign, expressing these well-known facts, they informed us that they were
 “ withheld by their superiours, and commanded not to join the English in any
 “ publick

“ publick representations: for, if they did,
 “ they would infallibly be deprived of their
 “ religion; but, if they remained quiet, they
 “ might depend upon it that the English laws
 “ would not be changed.” These are the
 words of a letter dated at Quebeck on the 12th
 day of November, 1774, which is signed by
 the following gentlemen,

Thomas Walker,
 John Aitkin,
 John Welles,
 John Lees,
 Zachary MacAulay,
 James Price,
 Randle Meredith,
 John Blake,
 Isaac Todd,

who are appointed by the other protestant
 settlers of the province of Quebeck to prepare
 their petitions to the king's majesty and the
 two houses of parliament for a repeal or
 amendment of the late act of parliament for
 the government of that province. It seems
 reasonable therefore to conclude that the fore-
 going French petition and memorial did not
 contain the sense of the bulk of the Canadians,
 and that it was by no means necessary to their
 satisfaction, that the whole body of the French
 laws upon civil matters should be revived, and
 the English laws upon those subjects sup-
 pressed;

pressed; but that, on the contrary, that great and valuable end might have been better attained by continuing the general body of the civil as well as criminal laws of England, and reviving or confirming only such parts of the former French laws as related to the tenures of land, the manner of conveying and settling it, and the transmission of it to new possessors by dower and inheritance upon the deaths of its owners, and, perhaps, a few other heads of French law relating to their domestic peace and family concerns. And to such a revival of only these parts of the French laws the British and protestant settlers in the province have often declared that they should not have had the least objection.

In the next place, it may be observed concerning the foregoing petition, that the great object of the persons who have signed it, is evidently to be admitted to places of trust and profit, and, in order thereto, to have that part of the law of England repealed and abolished which disqualifies Roman-Catholicks from holding them. It is against this part of the English law that they express themselves with so much warmth, as being oppressive and tyrannical in a high degree, and boldly expostulate with the king, (to whom they had before used so many expressions of submission and gratitude,) as treating them in that respect like a nation of slaves. “ *On nous accorda à la vérité le droit d’être jurés: mais, en même tems, on nous fit*
“ *éprouver*

“ éprouver qu'il y avoit des obstacles pour nous à
 “ la possession des emplois. — Conservez le titre
 “ glorieux de souverain d'un peuple libre. Eh !
 “ ne seroit-ce pas y donner atteinte, si plus de cent
 “ milles nouveaux sujets, soumis à vôtre empire,
 “ étoient exclus de vôtre service, et privés des
 “ avantages inestimables dont joiüssent vos anciens
 “ sujets ? — Nous finissons en suppliant vôtre
 “ majesté de nous accorder, en commun avec ses
 “ autres sujets, les droits et privilèges de citoyens
 “ Anglois.” The inestimable advantages en-
 joyed by his majesty's antient, or British, sub-
 jects, and the rights and privileges of citizens
 of England, are, in their opinion, the capacity
 of holding places of trust and profit. I shall
 only observe, in answer to this opinion, and
 the request they ground upon it, that, if this
 capacity constitutes the rights and privileges
 of an Englishman, and the want of it makes
 a man a slave, many a natural-born subject of
 his majesty, that was never out of England,
 and never thought but with horror of drawing
 his sword against the crown of Great-Britain,
 is a total stranger to those rights and privileges,
 and, in their sense, an absolute slave. For not
 only all the Roman-Catholicks both of Eng-
 land and Ireland, (notwithstanding the great
 number of them in the latter country,) and
 in every other part of the British dominions,
 are excluded from this privilege, on account
 of the dangerous and hostile nature of their
 religion to the government of what they call
 a heretick

a here
 Presby
 testan
 in Eng
 difabi
 occasi
 the ef
 enjoy
 securit
 of the
 dissent
 religio
 than t
 ever si
 church
 satisfie
 he trea
 admitt
 trust a
 dians,
 so late
 have b
 their
 immov
 capitul
 French
 to, (w
 to be t
 settlem
 proper
 the ful
 preferi

a heretick king and parliament, but even all Presbyterians and Quakers, and other protestant dissenters from the church of England, in England and Ireland, labour under the same disability, unless they consent to remove it by occasionally conforming to the ceremonies of the established church. Yet, as they fully enjoy the same degree of liberty of person, and security of property, with their fellow-subjects of the church of England, and the protestant dissenters have also a sort of toleration of their religious worship, (though far less compleat than that which the Canadians have enjoyed, ever since the peace, of the worship of the church of Rome,) they are tolerably well satisfied, and do not complain to the king that he treats them as slaves, because they are not admitted by the laws of the land to places of trust and profit. Surely therefore the Canadians, who are a conquered people, and were so lately in arms against the crown, ought to have been satisfied with the full enjoyment of their property of every kind, moveable and immoveable, (which was granted them by the capitulation,) together with so much of the French laws and customs as is necessary thereto, (which will be found upon examination to be the laws of the tenure, alienation and settlement, dower and inheritance, of landed property, and, I believe, nothing more;) and the full enjoyment of the religious worship prescribed by the church of Rome, (hostile as

it is to the British name and nation,) by a compleat legal toleration, but without an establishment, or compulsive provision for the maintenance of the Romish clergy; and with the privilege of serving on juries in all cases both criminal and civil, and of exercising the professions of notaries, (or licensed scriveners) attornies and advocates; and with a participation, (in common with their new fellow-subjects, the British settlers in the province,) of those valuable parts of the law of England which protect in so eminent a manner the liberty and property of all the subjects of the crown. And, to do them justice, I am persuaded that the bulk of them have been satisfied with these advantages which they have enjoyed ever since the peace, though a small number of persons, who have but little connection with, or influence over, the body of their countrymen, have, through a desire of obtaining places of trust and profit, solicited his majesty for more.

This capacity of holding places of trust and profit is of importance to but very few persons in the province, to wit, only to those persons who might hope, in case their former incapacity were removed, to obtain some public employment. For, as to the body of the people, it is evident they can never expect to obtain these places: and it is pretty certain that they are in general better pleased with seeing the offices of judges, and other places
of

of po
men,
havin
of ju
condu
ral, a
lish g
they
many
expre
bare n
forme
in the
their
prize
gover
words
" avo
" dou
" dep
" qu
" tou
" égl
" no
" fan
" no
" élo
" ni
" sù
" feu
" cra
" rev
" gre

of power and authority, exercised by Englishmen, than by their own former superiours; having found by experience a greater degree of justice, impartiality, and moderation, in the conduct of the English officers, and, in general, a greater degree of mildness in the English government in all its branches, than ever they had known under the French. And many of them have often, as I am well assured, expressed great terror and uneasiness at the bare mention of a proposal to re-invest their former superiours, who had presided over them in the time of the French government, with their ancient authority. Their agreeable surprize at the mildness of the English laws and government they have sometimes expressed in words of the following purport. “ Il faut
 “ avoüer que les loix d’Angleterre sont fort
 “ douces, et que nous avons été fort heureux
 “ depuis que Messieurs les Anglois ont con-
 “ quis le país. Car nous avons nôtre religion
 “ tout à fait libre, avec nos prêtres et nos
 “ églises, tout comme auparavant: et puis on
 “ nous laisse tranquilles, chacun chez soi,
 “ sans nous rien ôter par des impôts, sans
 “ nous faire travailler ni marcher à des postes
 “ éloignées pour le roi, sans nous rien dire,
 “ ni demander, en pleine et parfaite paix et
 “ sûreté, comme des petits rois. Cela est
 “ seulement trop bon pour durer: et nous
 “ craignons qu’un jour on nous fasse sentir un
 “ revers de tout ce bonheur qui nous fera re-
 “ gretter le bon tems d’aujourd’hui.”

These are the sentiments which the common Canadian countrymen have been often heard to express. And Mr. Cugnet, (a very sensible Canadian gentleman of Quebeck, but who is sufficiently given to complain of the condition of himself and many of his countrymen since the conquest,) has often told me, that the common Canadian peasants, (who are called the *Habitants*, and who live in the country upon their own freehold lands, and who are nine-tenths of the whole Canadian people,) are gainers by the change of government; and that the only sufferers by it are the inhabitants of the towns, and more especially the noblesse, gentry, and other persons who had civil or military offices under the French government, or grants from the king of France of exclusive rights of trading at particular posts and districts with the Indians for furs, of all which advantages they have been deprived by the change of government. And he used to add, as a further misfortune to the inhabitants of the towns, that the peasants now sold their corn and other provisions to them at too high prices, which they were not allowed to do under the French government, but were obliged to bring it to market, and sell it at such prices as the intendant should, by a proclamation issued for that purpose, have directed. Thus even the exemption of the country-people from this very arbitrary power in the intendant, or governor, is made a matter of complaint against the

the English government by some of the persons to whom the exertion of such a power would appear to be convenient: I say, appear to be so; because I am persuaded it would not really be so, but that the price of corn will in fact be lower in the towns of Quebeck and Montreal upon the free plan of the English government, which permits the countrymen to get what prices they can for it, and thereby encourages them to grow it in as great abundance as possible, than if the price of it was liable, as under the French government, to be regulated at the discretion of the governour. I presume, therefore, that the reader will join with me in concluding that it is not the great body of his majesty's new Canadian subjects that are dissatisfied with the English laws and government, but only a small number of persons (consisting partly of the noblesse, or gentry, of the country, and partly of the discarded officers of the French government, both in the civil and military line,) whose views and interests are totally distinct from, and, in some degree, even contrary to those of the body of the people, that have excited the complaints that have been made against them, and have expressed so eager a desire of being rendered capable of enjoying places of trust and profit. However, it must be confessed, that there are among the names that are subscribed to the above-mentioned petition those of some persons who are not of this narrow class.

class, Such are those of Mr. Le Moine, Mr. St. George Dupré, and Mr. L. Porlier, who are, I believe, respectable merchants, and whose opinions and inclinations deserve regard. Such are likewise those of Mr. Mézière, Mr. Peter Panet, the father, and Mr. Sanguinet, who are all notaries, attornies, and advocates, at Montreal. And there are several other names to it of persons who are so far from being either of the noblesse, or of the body of the discarded civil or military officers of the French government, that they are, as I am well assured, what the French call *des coureurs des bois*, that is, a sort of low traders, or, as it were, pedlars, who go up into the interiour, or upper, country of the Indians, near the five great lakes, with packs of goods to traffick with the Indians for their furs. These persons are, we may presume, but little concerned about the continuance of the English laws, or the revival of the French laws, in the province, and still less so about the capacity, or incapacity, of his majesty's Roman-Catholick subjects to hold places of trust and profit, which are things that lie totally out of their sphere and view. And therefore it is probable that they have been over-persuaded by the popish bishop and his clergy, and perhaps terrified by threats of excommunication, (such as were used by the said bishop in the case of Mr. Lewis de Lotbinière, a Romish priest of good family in the province of Quebeck, who fell under his

hss d
the
above
lawy
for th
Fren
busin
to th
now
transf
client
wishe
to th
be fu
coun
will
necti
who
trade

Bu
fons
going
desire
rende
and p
the f
this p
to gr
that
plain
their
ing m

hss displeasure in the year 1771,) into signing the foregoing French petition. As to the above-mentioned, and any other, French lawyers in the province, it is natural enough for them to wish for a compleat revival of the French laws, in order to get all the law-business of the province into their own hands, to the exclusion of the English lawyers who now enjoy a considerable share of it, which they transact very much to the satisfaction of their clients, Canadian as well as English. But the wishes of those gentlemen, grounded on a view to their own particular interest, ought not to be supposed to govern the sentiments of their countrymen on this subject, whose interest will often be found (by reason of their connections in trade with the English merchants, who carry on much the greatest part of the trade of the province,) to lie on the other side.

But, if we should suppose that all the persons whose names are subscribed to the foregoing French petition, do really and eagerly desire (as some of them certainly do,) to be rendered capable of holding places of trust and profit, (which seems to be the burthen of the song and the great object of their making this petition,) does it follow that it was proper to gratify them in this request? or is it likely that the granting it will remove their complaints?---Is it not rather to be expected that their success in obtaining this request, of being made capable of holding places of trust and profit,

profit, will be only an introduction to their making a second request of a more substantial nature than the first, that of being actually admitted to places of that sort? And this is a request with which it is almost impossible to comply. For what places are there in the province for them to hold, now that the objection of incapacity, on account of their religion, is removed by the late act of parliament? This question may be best answered by considering all the civil employments in the province. They are as follows. That of governour in chief of the province held by his excellency major-general Carleton; that of lieutenant-governour of the province, lately exercised by the honourable Hector Theophilus Cramahé, Esq; that of chief justice of the province, held by the honourable William Hey, Esq; that of attorney-general of the province, held by Henry Kneller, Esq; that of receiver-general of the publick revenue of the province, held by Sir Thomas Mills; those of secretary of the province, clerk of the council, clerk, or register of the inrollments of deeds and patents, and commissary of the stores, all held lately, by one patent under the great seal of Great-Britain, by Henry Ellis, Esq; (who was formerly governour of Georgia,) and since, upon the surrender of Mr. Ellis's patent, by virtue of a second patent under the great seal of Great-Britain, by a Mr. Roberts, a relation
of

of the
Georg
judge
beck,
ble M
said c
the tw
at M
and M
court,
of a r
1767
King'
ness,
other
of jud
the ki
of the
two di
by Mr
that of
the p
officer
disting
the de
was b
the de
27th o
engine
industr
past, a
board

of the late lord Clive, and executed by Mr. George Alsop, his deputy; those of the two judges of the court of Common-pleas at Quebeck, held by Mr. Mabane and the honourable Mr. Thomas Dunn; that of clerk to the said court, held by Mr. Shepherd; those of the two judges of the court of Common-pleas at Montreal, held by captain John Frazer, and Mr. Martehl; that of clerk to the said court, held by Mr. John Burke, in pursuance of a mandamus from his majesty in the year 1767; those of the two clerks to the court of King's-bench, the one for the criminal business, called the clerk of the crown, and the other for the civil business of the court; those of judge of the court of Admiralty, and of the king's advocate in the said court; those of the provost-marshals, or sheriffs, of the two districts of Quebeck and Montreal, held by Mr. Jacob Rowe and Mr. Edward Gray; that of surveyor-general of the king's lands in the province, held by captain Holland, an officer of the Royal American regiment, who distinguished himself by the service he did in the defence of the town of Quebeck, when it was besieged by the chevalier de Levy after the defeat of general Murray's army on the 27th of April, 1760, and who is an excellent engineer and surveyor, and of indefatigable industry, which he has been for several years past, and is still, employing, by order of the board of trade and plantations, in making a

most accurate survey of all the provinces in the northern district of North-America; that of naval officer of the province, held by a son of Sir Cecil Bishop, and executed by a deputy residing in the province; an inferior office, or two, of small value, in the customs, under the collector and comptroller of them; those of overseers of the chimnies in the towns of Quebeck and Montreal; those of *grand voyers*, or surveyors of the highways, of the districts of Quebeck and Montreal; which (being little more than nominal offices, with salaries, or pensions, of 100l. a year annexed to them) have been already bestowed upon two Canadian and Roman-Catholick gentlemen, Mr. de Lery and Mr. de Rouville; and that of secretary to the governour and council of the province for the French language, or, in plainer English, translator of the ordinances of the governour and council, and of all other publick instruments of government, into French; which is held by Mr. Cugnet, a very ingenious and able Canadian gentleman before mentioned, who is also of the Romish religion, and who is well skilled in the French language, so as to be able to write it as well as speak it correctly, and is also well acquainted with the custom of Paris, and other laws and customs that were observed in the province in the time of the French government. These are all the civil employments that (as far as I can recollect, who have resided three years at Quebeck,)

Que
prov
to th
so ea
hold
Not
lieut
justic
crow
adm
by th
nor t
and
like
of th
beck
some
(to w
expre
notw
Fren
civil
Engl
move
by ne
the g
learn
uprig
judge
be w
and c
office

Quebeck,) have hitherto subsisted in the province. Now which of these can be given to the foregoing French petitioners, who have so eagerly desired to have their incapacity of holding places of trust and profit taken off? Not, I presume, those of governour and lieutenant-governour, nor those of the chief justice, attorney-general, and clerk of the crown, who are all to be concerned in the administration of the criminal laws, which by the late act are to be those of England: nor those of judge of the court of Admiralty, and king's advocate in the said court, for a like reason; nor, probably, those of the judges of the two courts of Common-pleas at Quebeck and Montreal, since even in these courts some of the laws of England are to take place, (to wit, those acts of parliament which have expressly mentioned the American colonies,) notwithstanding the general revival of the French laws upon all matters of property and civil rights: and I am confident that, if the English judges of those courts should be removed to make room for Canadians, it will by no means contribute to the satisfaction of the general body of the Canadians, who have learned, by ten years experience, to value the uprightness and impartiality of the English judges of those courts. Nor can Canadians be well appointed to the offices of collector and comptroller of the customs, or the other offices in the customs; since those require

some knowledge of, and practice in, the laws of England, that relate to that department of government, which are still to continue in the province. Nor does it seem probable that the receiver-general of the revenue, or the naval officer of the province, or the surveyor-general of the king's lands, or the king's patentee under the great seal of England of the offices of secretary of the province, clerk of the council, register, or clerk of the inrolments of deeds and patents, or Mr. Burke, the clerk of the court of Common-pleas at Montreal by virtue of his majesty's mandamus, will be dismissed from their respective offices to make room for Canadian successors, notwithstanding all those offices will become vacant on the first of May next by virtue of that very singular clause in the late act of parliament which enacts,

“ that the king's proclamation of October 1763,
 “ so far as it relates to the province of Que-
 “ beck, and the commission under the autho-
 “ rity whereof the government of the said pro-
 “ vince is at present administered, and all and
 “ every the ordinance and ordinances made by
 “ the governour and council of Quebeck for the
 “ time being, relative to the civil government
 “ and administration of justice in the said pro-
 “ vince, *and all commissions to judges and other*
 “ *officers thereof, shall be revoked, annulled, and*
 “ *made void, from and after the first day of May,*
 “ *one thousand seven hundred and seventy-five ;*”

which is a method of revoking and annulling the
 the

the king's patents under the great seal, that must be confessed to be perfectly new and wonderfully expeditious, and a great improvement upon the tedious old method, prescribed by the law, of bringing a writ of *scire facias* before the lord chancellor to repeal them. But all, or most of these officers, we may presume, will be again appointed to these offices. The only remaining employments are those of the two provost-marshals, or sheriffs, of the two districts of Quebec and Montreal, and the clerk of the court of Common-pleas at Quebec, and the clerk of the court of King's-bench for the civil business, and the two trifling offices of overseers of the chimnies in the towns of Quebec and Montreal, supposing the ordinance that establishes them, (and which was made for preventing by their means the frequent accidents by fire to which those towns were found to be subject,) to be still in force, notwithstanding the wide-destroying words of the clause above-recited, which annuls, amongst other things, all ordinances of the governour and council that are relative to the civil government of the province. There are therefore only these six offices which one might suppose the Canadians to have some expectation of enjoying. And these are most of them, if not all, filled by persons whom it would be generally thought harsh to remove from them. And indeed, if the revival of the French laws and government had been quite

quite compleat, so that the very same civil offices should have been revived as were exercised in the time of the French government;---and a resolution had been taken totally to disregard the claims and interests of all the Englishmen who are now in possession of employments in the province, and to fill the new offices intirely with Canadians, if proper persons could be found amongst them to discharge the duties of them ;---I am persuaded it would have been found impossible to do so, by reason of the want of a sufficient number of Canadians or Frenchmen in the province properly qualified for this purpose, most of those persons of ability who filled those offices in the time of the French government having either gone to Old France soon after the peace, or being dead in the course of the fourteen years that have elapsed since the conquest of the province. For, as to the Canadians themselves, as contradistinguished from the natives of Old France, it is in vain to seek for such persons amongst them, because their educations are not such as qualify them for these employments; infomuch that in the time of the French government the most important civil offices in the province, such as those of the principal judges of the courts of justice, and the *procureur-general du roy*, as well as those of the governour and intendant, were filled by natives of Old France.

Upon

U
now
city
prov
Rom
nefit
dians
any
of bu
Fren
eager
and
bers,
And
since
could
Grea
that
these
hand
tain,
of ab
sterli
the p
thou
ment
four
amon
the c
and
them
burth

Upon the whole, therefore, I presume it now appears that the removal of the incapacity to hold places of trust and profit in the province, arising from the profession of the Roman-Catholick religion, can be of no benefit at all to the general body of the Canadians, (as they do not wish to be governed by any but English officers of government,) and of but very little even to the above-mentioned French petitioners themselves, who have so eagerly desired it, unless new places of trust and profit, (and those too in considerable numbers,) are created on purpose to gratify them. And this is more than they can well expect; since it is evident that a measure of this kind could not be adopted without taxing either Great-Britain or Canada to raise the money that would be necessary to pay the salaries of these new places, that is, without, on the one hand, obliging the inhabitants of Great-Britain, (who have already been at the expence of about three and twenty millions of pounds sterling to conquer them, and have ever since the peace been at the annual expence of ten thousand pounds to maintain the civil government of the province, besides the expence of four regiments of soldiers that are quartered amongst them to keep them in subjection to the crown of Great-Britain,) to be at a new and great expence in order to accommodate them, or, on the other hand, imposing new burthens on their own countrymen, the industrious

dustrious part of the inhabitants of Canada, who are well satisfied with the English laws and government, for the emolument of them, the said petitioners, who have so warmly expressed their dissatisfaction with them: neither of which operations would be in any degree just or reasonable.

Thus far we have considered the request of these French petitioners with respect to civil employments. But they carry their views farther, and desire to be admitted even to military ones. This, I must needs say, is a strange request, and still more difficult to be complied with than the former, unless the government should totally forsake every principle of publick conduct that has been looked upon as fundamental and indispensable in the English government, at least ever since the revolution. For, let us suppose for a moment that two or three regiments of Canadian Roman-Catholicks, commanded by Canadian Roman-Catholick officers, (some of the noblest of Canada, those eager petitioners who have declared that they ardently desire to be admitted to employments both civil and military, notwithstanding their being Roman-Catholicks, and that the very thought of being excluded from those employments on that account is frightful to them,) were raised in the province; I would ask, where such a body of troops could be employed. If it be said, In Canada, my answer is as follows. Either the

the C
Engl
at all
in su
are t
and a
there
posed
to th
confe
it, an
thoug
again
it nec
maint
every
dent t
emplo
since
whose
inclin
safe to
in fac
of per
enemi
rous a
Canad
the p
other
king's
this w
objec

the Canadians are intirely well-affected to the English government, so as to need no troops at all to be quartered among them to keep them in subjection to it, or they are not. If they are thus well-affected, it is evidently an idle and absurd expence to keep any troops at all there. But if, on the contrary, they are supposed to have still such an inclination to return to the government of the French king (in consequence of their antient connection with it, and their natural prejudices in its favour, though without any just cause of complaint against the English government) as to make it necessary to keep troops in the province to maintain the crown's possession of it, (which every body confesses to be the case,) it is evident that it would be the height of folly to employ Canadian troops for this purpose; since they would consist of the very persons whose affections are supposed to be too much inclined towards the French king to make it safe to leave them under no controul; so that in fact it would be putting arms into the hands of persons whom we considered as our secret enemies. Nothing could excuse so preposterous a conduct. And, if it be said that these Canadian regiments ought to be carried out of the province, and employed or quartered in other parts of the British dominions, as the king's service may require, I answer that, if this were allowed, it would be liable to all the objections that may be made against raising

any other popish army in any other parts of the king's dominions; which is universally allowed to be not only unlawful, but dangerous, impolitick, and unconstitutional in the highest degree; and that these objections, (whatever they may be, for I decline the unnecessary and invidious talk of stating them,) would lie against them in a still stronger degree than against an army of English or Irish Roman-Catholicks, on account of their differing in language and manners, and, till of late years, in their notions of government, as well as in their religious persuasions, from the other subjects of the crown. And, lastly, if the aforesaid French petitioners do not mean to suggest that whole regiments of Canadians ought to be raised and officered by Canadian officers, (which seems to be the most obvious meaning of their request,) but only to obtain a liberty to the Roman-Catholick Canadians of serving either as soldiers or officers in the army already on foot, I shall only observe that this request (though much less dangerous and extravagant than the other) is nevertheless highly unreasonable; since it is desiring an indulgence to be shewn to them, (who have so lately been in arms against the British crown and nation) which the laws do not think it prudent or expedient to allow to ancient natural-born subjects of the crown, who have never been out of England or Ireland, if they happen to have been educated in
the

the p
thes
least
of re
jesty
conf
antie
is as
And
throu
toget
the l
their
from
religi
tholic
subje
But
to pl
Sin
ment
with
nobl
arisi
has b
ment
them
reason
count
part
or to
objec

the principles of the church of Rome. Surely these Canadian petitioners must, upon the least reflection, be sensible of the impropriety of requesting such a preference above his majesty's other Roman-Catholick subjects, and confess that an equality with his majesty's antient subjects in this and every other respect is as much as they can reasonably expect. And of that equality they are in full possession throughout all the dominions of the crown, together with the additional indulgence, by the late act of parliament, of an exemption in their own province from the incapacity arising from the profession of the Roman-Catholick religion, (to which all the other Roman-Catholick subjects in the British dominions are subject) of holding places of trust and profit. But this, I presume, is not meant to extend to places out of the limits of their province.

Since therefore there are very few employments in the province of Quebeck that can with propriety be bestowed on the Canadian noblese, notwithstanding that the incapacity arising from their being Roman-Catholicks has been taken away by the late act of parliament; and to create new employments for them, either civil or military, would be unreasonably burthensome either to their own countrymen, the industrious and contented part of his majesty's new Canadian subjects, or to Great-Britain, besides the other greater objections which lie against admitting them to

military employments;----it seems evident that the removal of this incapacity will be of very little benefit to them. It might therefore, perhaps, have been as well if things had been left in this respect upon their former footing, without taking away this grand distinction between popish and protestant subjects, that is, between those imperfect subjects who profess the bishop of Rome to be their supreme head in all spiritual matters, (which have but too often been found by experience to draw after them a power in temporal matters *in ordine ad spiritualia*,) and the king to be their head only in temporal matters, and those more intire subjects of the crown who acknowledge his majesty's supremacy in all matters, both spiritual and temporal, or (as it is often expressed by the clergy of the church of England,) in all causes and over all persons, ecclesiastical as well as civil, and abjure all dependance on the bishop of Rome, and every other foreign jurisdiction whatsoever; a distinction, surely, that is not of a chimerical or trifling nature, and which has hitherto been generally looked upon as a necessary barrier against the dangerous attempts of popery, and which might, probably, in the present case have proved a powerful means of drawing over some of the Canadian gentry, (in some few years hence, when their prejudices in favour of the church of Rome shall be less strong than they are at present,) to embrace the
the

the protestant religion. However, as the measure is now taken, the protestant inhabitants of the province, though they cannot applaud the policy of it, yet, as it is not any immediate grievance upon them, they do not, in their late petitions to the king and the two houses of parliament against the late Quebec act, complain against it, or desire it to be undone, but dwell upon those parts only of that unfortunate act which more immediately concern themselves. So far are they from being disposed to raise wanton and seditious clamours in the manner some persons have represented. And we have seen above in their petition last year to the king for an house of assembly, page 20, that they had the candour and moderation on that occasion to suggest to his majesty, that they were ready to acquiesce in an assembly into which some of their Roman-Catholick fellow-subjects should be admitted, if that was the form and constitution of an assembly that seemed best to his majesty's royal wisdom, though they could not, consistently with their own sentiments, go so far as actually to desire his majesty to constitute the assembly in that manner.

As many people have mentioned the *noblesse* of Canada on occasion of the late Quebec act, and have seemed to think that they were a very numerous and powerful part of the people of that province, and consequently that their sentiments ought chiefly to be considered

sidered in settling the government of it, I shall here take the liberty to give a short account of them, in order to shew that this opinion of their importance is by no means well grounded.

According to the best informations I have been able to procure, the *noblesse* of France are a very numerous class of men in that kingdom, distinguished from the body of the people by certain privileges and exemptions which are clearly marked out and allowed by the laws, and derived from the favour of the crown. They answer in some degree to our gentry here in England, but more nearly to our knights and baronets, (whose titles and ranks are more clearly ascertained than those of gentlemen,) except that they are infinitely more numerous. They are of two kinds, hereditary nobles and nobles for life. The hereditary nobles are originally made so either by letters patent of nobility, or (as we should rather express it,) of gentility, granted them by the king of France, creating them *noblemen* or *gentlemen* (for these two words, *un noble* and *un gentilhomme* I understand to be synonymous with each other in the French language,) with the privilege of transmitting their nobility to their issue male, or by being advanced to certain honourable and important offices in the state or the army, to which the rights of hereditary nobility, or gentility, have been annexed by the edicts of the French kings. Thus, I am informed that

that
Fran
sove
justi
cour
exce
state
his
twen
befo
is e
priv
gend
self
posse
And
in th
man
each
the
post
omp
T
scen
perf
elde
Fran
Sain
faith
prod
writ
num

that the office of a counsellor of the king of France in one of his parliaments or other sovereign courts of justice, (that is, courts of justice to which appeals lie from inferiour courts, but from which there is no appeal except to the king himself in his council of state,) ennobles both the counsellor and all his male posterity, if he holds it for more than twenty years. And if he dies in his office before he has held it twenty years, his family is ennobled in the same manner. The same privilege is annexed to the commission of a general officer of the army. It ennobles himself and all his posterity, if he either dies in possession of it, or holds it for twenty years. And three generations of service in the army in the commission of a captain, that is, by a man's grandfather, his father, and himself, each of them for the space of ten years, has the same effect of ennobling all the male posterity of the grandson. And many other employments have the same effect.

This hereditary nobility, or gentility, descends equally to all the male posterity of the persons ennobled, the younger as well as the elder, which multiplies the noble persons in France to a surprizing degree. The Abbé Saint Pierre, who is one of the most exact and faithful writers of history that France ever produced, in his Political Annals, which were written about the year 1740, estimates the number of noble families in France at no less than

than fifty thousand; from which we may reasonably infer that the number of noble persons in that kingdom, men, women, and children, cannot be less than 250,000, or, perhaps, 300,000. Many of these, it may well be imagined, must be miserably poor.

Besides these hereditary nobles, there are many persons who are noble for life. This kind of nobility arises only from the possession of some honourable office of an inferior class to those before-mentioned, which are attended with the advantage of hereditary nobility: but is not conferred by the king's letters patent. Thus, if I am not mistaken, a captain in the army who has served in that commission for the space of twenty years, is thereby ennobled for his life, though his father was not an officer, nor noble in any degree.

It is the privilege of the nobles of France to be exempted from paying the land-tax, which is called the *taille*: so that when a noble person buys a piece of land that paid the *taille* the year before he bought it, while it belonged to an owner that was not noble, the land, by this change of its owner, becomes free from the burthen of this tax, which is nevertheless not lost to the crown, but raised upon the other lands in the same district, that are in the possession of persons that are not noble, by a new and a heavier assessment. This privilege extends to all sorts of nobles, those

those
But
nob
tax
duri
It
that
ture,
enne,
anne
not
land
judic
exere
cence
the r
and t
the te
of it
rights
till th
noble
confe
thoug
had th
by th
hardly
feigni
ment.
a little
of it,
wife.

those for life as well as the hereditary nobles. But it had never been actually enjoyed by the noblesse of Canada, because there was no such tax as the *taille*, or land-tax, in that country during its subjection to the French king.

It is another privilege of the French nobles that they alone can enjoy the rights of judicature, which are called *les droits de haute, moyenne, et basse justice*, and which are frequently annexed to grants of land. If a man that is not noble purchases a feignory, or tract of land of any kind, to which these rights of judicature are annexed, he is not allowed to exercise them without the French king's licence for that purpose, though he may receive the rents of the feignory, and the mill-toll, and the fines for alienation that are due from the tenants of it, and all the other emoluments of it that are of a pecuniary nature. But these rights of judicature are to remain unexercised till the land becomes again the property of a noble. However, this is a matter of small consequence with respect to Canada, because, though most of the feignories in that country had these rights of judicature annexed to them by the French king's grants, yet they were hardly ever exercised by any of the owners of feignories in the time of the French government. This may, perhaps, at first be thought a little strange. But if we consider the reason of it, we shall find that it could not be otherwise. For, in order to exercise these rights of

Y. judicature,

judicature, it would have been necessary for the seignior to build, and keep in good repair, a prison upon his seigniory; and to maintain a steward, or judge, of his court; and a seigneurial, or fiscal, attorney, to prosecute for him in it; and a clerk, or register, of the court; and a bailiff, or usher, or executive officer, of it, to execute the judgments that should be passed in it: all of which would have occasioned an expence that would, for the most part, have exceeded the whole value of the seigniory, which, upon an average of all the seigniories in the country, did not in the time of the French government amount to more than fifty, or sixty, pounds sterling per annum. And further, the right of the seigniors in Canada to exercise these jurisdictions, if they could have afforded, and had been inclined, to do so, was (as I have been often assured,) so checked and controuled by the French king's edicts and the provincial regulations upon that subject, that it would have been but a sort of ornamental right, or feather in the cap, of those who should have exercised them, rather than any real, or substantial, degree of power. I believe there was not a single lay seignior in all Canada before the conquest that exercised these rights of judicature before the conquest of it, though the rich society of the priests of Saint Sulpicius at Montreal (who are owners of the whole island of Montreal, besides several other seigniories,

nior
than
socie
fo.
seign
been
T
nada
being
juris
Whe
unde
becau
dage
grant
lation
treaty
doubt
was n
necici
were
rity th
much
just or
ence
these
reason
ing th
ment
have l
with
tions.

niories, producing together an income of more than 4000l. sterling a year) and perhaps the society of Jesuits in Canada, may have done so. And since the conquest none of the seigniors, either of the laity or clergy, have been allowed to exercise them.

The French owners of seigniories in Canada sometimes talk of the hardship of not being permitted to exercise their seigneurial jurisdictions under the English government. Whether it may be strictly just to lay them under this restraint I will not pretend to say, because these jurisdictions are a sort of appendage to their landed property, which has been granted them without reserve by the capitulation in 1760, and confirmed to them by the treaty of peace in 1763. Yet it may well be doubted whether this grant of their property was not meant to relate to their pecuniary or beneficial property only, and not to such rights as were a part of the sovereign's judicial authority that had been delegated to them. But thus much is certain, that this restraint, whether just or unjust, is no misfortune or inconvenience to them. For, if they could exercise these jurisdictions, they would not, for the reasons above-mentioned. Their view in making these complaints is to induce the government to buy these jurisdictions up, as they have heard the parliament did in the year 1747 with respect to the Scotch heretable jurisdictions. But these complaints come with a

peculiar ill grace from such of the French seigniors in Canada as are not noble, (which is the case with very many of them,) since they would have had no right to exercise these jurisdictions under the French government.

Thus it appears that in France nobility and the possession of landed property are two things that are perfectly distinct from each other. Since a man may have a valuable seigniorly without thereby becoming noble, and may be noble without owning a foot of land. And this is in fact the case with great numbers of the French noblesse.

Though the noblesse of France is so very numerous, yet it fortunately happens that very few of them have chosen to resort to, or continue in, the province of Quebec since the English have been in possession of it. There are, I am informed, only twenty-two names of noble families in all the province at this time; which, if we allow five individuals to a name, will make only 110 persons, including women and children. This is no great proportion of the 120,000, or, according to general Carleton's estimation of them, the 150,000, persons of whom the whole body of the French, or Canadian, inhabitants of the province consists. And many of these are not possessed of seigniories in it, or of any other landed property: and some of them have scarce any property at all.

Besides

Be
famil
hered
who
of the
to be
serve
and v
eithe
or of
being
of ri
favou
and
vince
Th
Canad
of th
have
gover
such,
years
bilit
this
of th
vince
ploym
ment
Fren
twent
to th
that

Besides the said twenty-two names of noble families in Canada, whom I understand to be hereditary nobles, there are a few gentlemen who are *chevaliers de Saint Louis*, or knights of the order of Saint Lewis, and whom I take to be noble for life. These are officers who served in the French army in the late war, and who obtained this knighthood as a reward either of their valour on some signal occasion, or of their long service, (twenty years service being reckoned sufficient to give a man a sort of right to this order,) or perhaps by mere favour. Their honour is not hereditary: and there are not many of them in the province; I believe, not more than a dozen.

There may also be some other persons in Canada who are noble for life in consequence of the civil or military employments they have exercised in the time of the French government. But I believe there are but few such, because of the length of service (twenty years,) which is necessary to obtain this nobility, which would be a bar to any claim of this sort that might be made by the majority of the Canadian gentlemen now in the province who formerly held civil or military employments under the French king; not to mention that many civil employments in the French government did not (though held for twenty years or more,) intitle their possessors to this honour. In short, upon an inquiry that was made by general Carleton in the
year

year 1767 into the number of unhappy gentlemen in the province, noble and ignoble, who had lost either their employments civil or military, under the French king, or certain leases which they had held under him of exclusive rights to trade with the Indians for furs in particular posts and districts in the interior, or upper, country of America, or other such advantages under the French government, in consequence of the conquest of Canada by the British arms, it appears that their number did not much exceed 100: I think, it was 120. And many of these are probably dead by this time. Now, though compassion, civility, and respectful treatment, are certainly due to these gentlemen, (in the same manner as to our own brave officers of the army, who, after assisting in the conquest of this part of America, have been reduced to half-pay,) yet surely it is not necessary, either in point of justice or policy, that the government of the province of Quebec should be new-modelled, for their sakes, in a manner that cannot be reconciled to the royal promises in the proclamation of October, 1763, or to the general and fundamental principles of conduct that have hitherto been constantly adhered to by the English government. The conquerors of a country containing above 100,000 inhabitants have sufficient reason to be satisfied with their own conduct in point of justice and clemency towards the people they have

have f
jects t
have
the wh
incom
and ar
to depo
they ca
kind,
allowe
exertio
of the
and ha
is the c
We
but fe
whole
likewi
nection
propert
them a
propert
kind.
(from t
same n
are, for
estates,
formida
and in
Now t
they v
French

have subdued, as well as the conquered subjects to be satisfied with the treatment they have received, if only 120 persons amongst the whole 100,000 suffer a diminution of their incomes from the loss of their employments, and are left, like the rest of their countrymen, to depend for their subsistence on the resources they can find in their private property of every kind, (of which the new government has allowed them the full enjoyment,) and in the exertion of their industry, while all the rest of the conquered people are freer and richer and happier than they were before. And this is the case in Canada.

We have seen that the nobles of Canada are but few in number, in comparison of the whole body of the Canadians. We have likewise seen that they have no necessary connection with the seigniories, or other landed property, of the province; and that many of them are possessed of little, or no, landed property, and some of little property of any kind. Yet some persons are apt to imagine (from their being called, as I suppose, by the same name as the nobility of England, who are, for the most part, owners of great landed estates,) that they are a very powerful and formidable body of men, and have a great lead and influence over the rest of the people. Now this is far from being the case. For they were never used, in the time of the French government, to court the people, or
try

try to gain an interest among them, having had no advantages to expect from them : but they paid all their devotions to the governour and intendant, and other officers of the crown, by whose interest they hoped to obtain preferment. And those of them who had seigniories, and were rich enough to live in the towns of Quebeck and Montreal, did not use to reside on their seigniories, except perhaps for one month in a year, or less, to inspect the condition of them, and collect their rents and other dues : but spent the rest of the year at Quebeck and Montreal. And they still continue to do the same under the British government. By this means there is little connection between them and the tenants of their seigniories, and often still less affection, the latter considering them as a sort of tax-gatherers, who come amongst them only to drain them of their money, and not to do them service by spending their revenues amongst them. This is the case with those of the nobles who are rich and have seigniories. As for those who have no seigniories, I do not see what tie of any kind subsists between them and the people, that can give them an influence over them : I mean now under the English government : for while the French government subsisted, these nobles might command the Canadian peasants when they were embodied and employed as a militia, and in that capacity might gain their affection or ill-will according
to

to the
all at
since
no co
noble
mon
cure
the la
forme
feared
Canad
ment,
in wh
was i
get a
bulk
noble
sand
pleas
tween
or reg
vernm
Th
titles
quis,
the h
which
vince
It
there
person
in Fr

to their treatment of them. But this has been all at an end for more than fourteen years ; since which period there seems to have been no connection whatsoever between these poorer nobles, who have no feignories, and the common people of Canada, that could either procure or preserve to the former an interest with the latter. In general, (as I have been informed,) the nobles of all kinds were rather feared than loved by the common people of Canada in the time of the French government, in consequence of the haughty manner in which they treated them, against which it was impossible at that time for the latter to get any redress. And it is certain that the bulk of the people of Canada, who are not noble, and who are about 999 out of a thousand of the whole people, have been very well pleased to find that the antient distinction between them and the nobleſſe is not understood or regarded under the English laws and government.

The noble persons now in Canada have no titles of honour, as duke, or count, or marquis, or the like. These titles belong only to the higher class of the French nobility, of which none are now to be found in that province.

It may perhaps be thought strange that there should be so small a number of noble persons in Canada when the number of them in France is so exceedingly great as has been

above represented. This is owing principally to the choice made by the greater part of the noblesse of Canada, at the time of the conquest and cession of the country to the crown of Great-Britain, to sell their property in that country and retire to Old France, according to the liberty allowed them of so doing by the capitulation and treaty of peace. And thus the English government was happily rid of that part of the inhabitants of this newly-acquired province who were most likely to be discontented under it, and to whom it was indeed almost impossible for it (by reason of the different genius of the two governments) to give thorough satisfaction.

That this removal of the greater part of the French noblesse in Canada to Old France upon the conquest of it, is an advantage to that country in its present state of a province of the crown of Great-Britain, is not only the opinion of most Englishmen who are acquainted with that province, but also of a very ingenious and learned French writer who is well acquainted with political subjects in general, and particularly with the condition of the American colonies, I mean the Abbé Raynal. For in his celebrated work on that subject, intitled "*Histoire philosophique et politique des colonies Européennes dans les deux Indes*," in speaking of the success of the British arms in the late war, and particularly of the acquisition of Canada, he has these words. "*L'acqui-*
sition"

" sit
 " fo
 " do
 " po
 " ar
 " qu
 " un
 " les
 " lit
 " la
 " gre
 " n'a
 " a-
 " La
 " étr
 " sur
 " org
 " les
 cernin
 some
 mistak
 In
 the fo
 that, t
 opinio
 more
 the pr
 bly, y
 peculi
 not th
 the pr
 defray

" sition d'un territoire immense n'est pas toutes
 " fois le plus grand fruit que la Grande Bretagne
 " doit retirer de la prospérité de ses armes. La
 " population considérable qu'elle y a trouvée est un
 " avantage bien plus important. A la vérité
 " quelques uns de ces nombreux habitants ont fui
 " une domination nouvelle qui n'admettoit entre
 " les hommes d'autre différence que celle des qua-
 " lités personnelles, de l'éducation, de l'aisance, de
 " la faculté d'être utile à la société. Mais l'émi-
 " gration de ces êtres méprisables dont l'importance
 " n'avoit pour base que des coùtumes barbares,
 " a-t-elle dû être regardée comme une calamité?---
 " La colonie n'auroit elle pas beaucoup gagné à
 " être débarrassée de tous ces nobles oisifs, qui la
 " surchargeoient depuis si longtems; de ces nobles
 " orgueilleux, qui y entretenoient le mépris de tous
 " les travaux?" Thus much may suffice con-
 cerning the noblesse of Canada, of which
 some persons have seemed to entertain such
 mistaken notions.

In the third place I must observe concerning
 the foregoing French petition and memorial,
 that, though in their memorial they express an
 opinion that a legislative council will be a
 more convenient instrument of government for
 the province of Quebeck than a general assem-
 bly, yet the reason they give for it is a very
 peculiar one, and such as the parliament has
 not thought proper to adopt. It is because
 the province is too poor in their opinion to
 defray the expence of its own civil govern-
 ment,

ment, which they conceive to be a necessary consequence of having an assembly. Their words are as follows. “ *Nous représentons humblement que cette colonie, par les fléaux et calamités de la guerre, et les fréquents incendies que nous avons essuiés, n'est pas encore en état de payer ses dépenses, et, par conséquent, de former une chambre d'assemblée. Nous pensons qu'un conseil plus nombreux qu'il n'a été jusques ici, composé d'anciens et nouveaux sujets, seroit beaucoup plus à propos. Nous avons lieu d'espérer des soins paternels de sa majesté, que les pouvoirs de ce conseil seront par elle limités, et qu'ils s'approcheront le plus qu'il sera possible à la douceur et à la modération qui font la base du gouvernement Britannique.*” It appears by this passage that it is the desire of avoiding taxes, and not a real disinterested preference of a legislative council to an assembly, that has made the subscribers of this memorial recommend the former mode of government. And therefore it may be doubted how far the establishment of a legislative council by the late act of parliament will be agreeable to them, seeing that it was accompanied with another act of parliament for imposing certain duties and taxes in the province, which is what they seem to have been desirous of avoiding.

I do not however mean to insinuate that the act passed for imposing those duties was in any respect improper. For I readily allow it
to

to b
cou
the
wh
at t
tax
and
auth
now
imp
occ
prop
the
of p
to t
with
the
gula
from
have
have
mak
I
pass
men
fet
and
a le
pen
whi
and
nary

to be reasonable that the inhabitants of that country should contribute in some degree to the support of their own civil government, which has hitherto been maintained intirely at the expence of England: and I believe the taxes imposed by that act to be both judicious and moderate. And it is certain that the authority of parliament is the only authority now subsisting by which they could be legally imposed. But I mention these taxes on this occasion only to shew that it cannot with propriety be affirmed that the establishment of the aforesaid legislative council by the late act of parliament is a measure of mere indulgence to the Canadians, and adopted in compliance with their desires, since the parliament, at the same time that it granted them this singular request, denied them that exemption from taxes which, as they supposed, would have accompanied it, and which seems to have been the principal inducement to their making it.

It cannot therefore be collected from the passage above cited from the foregoing French memorial, that even the few persons that have set their names to that memorial give a free and general preference to the government of a legislative council of the province (independently of the exemption from taxes with which they hoped it would be accompanied, and which they have now found to be imaginary,) above the usual government by an
assembly;

assembly; and much less that the general body of the Canadians are averse to the establishment of an assembly. Nor indeed did I ever observe that they were so. It is true indeed that, from their inexperience of such a form of government, they are not eagerly desirous of it. But it is equally true that they entertain no prejudices against it. The generality of them are indifferent about the form of government under which they are to live, provided it is carried on with justice and moderation: and only a few of them have so far meditated upon the subject as to have formed a decisive opinion in favour of a particular system. But none of them, as far as I could ever hear, had any dislike to the establishment of an assembly but what arose from a supposition that they were to be excluded from it on account of their religion, as it had been generally imagined they necessarily must be, and as his majesty's two commissions of governour in chief of the province, successively given to general Murray and general Carleton, had directed that they should be. It was this exclusion that they disliked, and not the mode of government by an assembly. And, if this objection was to be removed, and an assembly was to be called into which they were to be admitted indiscriminately with the king's protestant subjects, I have no doubt that they would prefer the government of an assembly to that of a legislative council: appointed by
the

the ki
it is
peopl
have
conce
ment
them
ject,
opinic
now
before
Queb
house
de Lo
man,
Canac
very
after h
the ho
not m
I cou
me of
plaine
that p
questi
" lov
" lea
" vir
that
them
" the
" cou

the king. Common sense must teach us that it is natural they should do so; since every people under the sun would rather chuse to have a share in the management of their own concerns than to be totally under the government of others. And some of those among them who have thought most upon the subject, have declared themselves to be of that opinion. One of them in particular, who is now in England, and who was examined before the House of Commons while the late Quebeck act was in its passage through that house, I mean, Monsieur Michael Chartier de Lotbinière, a very sensible and reflecting man, and who is a great proprietor of land in Canada, has expressed himself very fully and very strongly upon this subject. For, soon after he had undergone his examination before the house, (in which I lamented that he did not make himself so thoroughly understood as I could have wished,) I desired him to inform me of his sentiments upon this subject in the plainest and clearest manner possible, and, for that purpose, to give me an answer to this question; to wit, “ Which of the two following methods of government he should least dislike to see established in the province of Quebeck, (for I did not suppose that he would positively approve of either of them;) “ *namely; a government, agreeable to the king’s late commissions, by a governour, council, and assembly composed of protestants only;*

“ only ; or the government provided by the act of
 “ parliament then under consideration, by a go-
 “ vernour and a legislative council only, without
 “ an assembly, but with an admission of Roman-
 “ Catholicks into the said council.” He com-
 plied with my request, and gave me the fol-
 lowing full and positive answer in the hearing
 of Mr. Thomas Townshend, junior, and has
 confirmed it to me many times since ; to wit,
 “ that he should consider both those forms of
 “ government as improper for the province of
 “ Quebeck, and unjustly severe upon the Catho-
 “ lick Canadians ; but that, of the two, he
 “ should dislike the first, by a governour,
 “ council, and protestant assembly, much less
 “ than the other which that bill appointed, by
 “ a governour and legislative council only,
 “ without an assembly, notwithstanding the
 “ admission of some Catholicks into the said
 “ council.” And he said further, “ that the
 “ choice between these two methods of govern-
 “ ment might be compared to an option that
 “ should be given him to throw himself either
 “ into a river on the one hand, or a house on
 “ fire on the other ; in which case he said he
 “ should certainly chuse to throw himself into
 “ the water rather than into the fire, because he
 “ might in the water have a chance of saving
 “ his life by swimming, whereas he should be
 “ sure of being destroyed, if he plunged into the
 “ fire ;---that the water answered to a govern-
 “ ment by an assembly of protestants ; which, as

“ it

“ it would probably be composed of persons who
 “ would be interested in the welfare of the pro-
 “ vince by being proprietors of land in it, and
 “ in whom the people had a confidence, would
 “ be likely in some degree (notwithstanding they
 “ would have been chosen, in his opinion, upon
 “ too narrow a plan,) to consult the good of the
 “ whole community : and that the *Fire* answered
 “ to the legislative council composed of persons
 “ nominated by the crown ; because that was in
 “ its nature a despotick and destructive instru-
 “ ment of government, which, as it was likely
 “ to be composed of the officers of government in
 “ the province and other dependant persons,
 “ whose flattery and servility might procure
 “ them the governour’s recommendation to the
 “ king for a seat in the said council, would
 “ probably be indifferent to the welfare and
 “ true interests of the province, (with which
 “ they would have no lasting connection,) and
 “ would make use of their power only to enrich,
 “ or benefit, themselves, or to gratify the caprices
 “ of the governour, upon whom they depended.”

Such is the opinion of this Canadian gentle-
 man concerning the legislative council esta-
 blished by this act. And such, I doubt not,
 will be the opinions of many of his country-
 men (I mean, of such of them as are inde-
 pendent on the government, and neither have,
 nor desire to have, any place of profit under it,)
 upon the same subject. So far do I conceive
 them from being of opinion (upon general

A a principles,

principles, and independently of the fear, on the one hand, of being excluded, on account of their religion, from an assembly, if the king had ordered one to be summoned, and the hope, on the other hand, of being exempted from taxes if there was no assembly,) that the legislative council appointed by the late act is a preferable mode of government to an assembly of the people.

I ought further to mention that the aforesaid gentleman, Mr. de Lotbinière, carries his dislike of a legislative council so far as to disapprove even of that which I had proposed, notwithstanding all the restrictions and provisions inserted in it, (in order, if possible, to make the members of it independent of the governour, and cautious in the use of the power entrusted to them, and respectable in the eyes of the people,) and the clause for limiting its duration to only seven years. But he acknowledges it to be greatly better, or less liable to objections, than the legislative council established by the late act. Perhaps he may be right in thus objecting to every species of legislative council that can be contrived, as being necessarily of a very dependent constitution, and far less beneficial to the people than an assembly. But at least it seems to be evident that, if it be thought expedient to postpone the calling an assembly for some years longer, and to substitute a legislative council in its stead, the council so appointed
ought

ought to be made as numerous and as independent as possible, and its duration to be limited to a certain and a small number of years, to the end that the king's promise in the proclamation of October, 1763, of summoning an assembly of the freeholders, may be kept continually in sight.

I here beg leave to declare that none of the gentlemen whom I have taken the liberty to mention above in page 102, &c. as persons that were fit to be made members of the legislative council of the province, have given me the least intimation of their desire to be advanced to that station: and that Mr. John Paterfon, in particular, is solicitous not to be thought to have any where made such an application. I have taken the liberty of mentioning their names intirely of my own accord, and without their knowledge, and without myself knowing whether or no it would be agreeable to them to be made members of that council. My motive for doing so was to support the proposal I had made of increasing the number of counsellors to 31, by shewing that it was easy to find a sufficient number of proper persons in the province for that purpose, which some persons might otherwise have been inclined to doubt. And to shew that the province afforded a pretty ample number of persons fit for that station, I mentioned 13 persons, though only eight were wanting to increase the number of the counsellors to 31.

Many more persons in the province might, I doubt not, have been mentioned on that occasion, who are also worthy of that office. But, as it would have been of no use to endeavour to make a list of that sort, I contented myself with naming a sufficient number of persons to afford what I thought an ample proof of the fact which I had ventured to advance.

In the fourth place I must observe concerning the foregoing French petition and memorial, that, amongst all its various articles, it does not contain a request that the legal right of the Romish clergy to their tithes should be revived: so that in that particular the late act of parliament has gone beyond the suggestions of those petitioners in support of the Roman-Catholick religion. This provision will, probably, be agreeable to the Romish clergy in the province, and seems calculated to gain their favour. But it will hardly be thought a benefit by the people at large, who have never yet complained of the liberty they have hitherto enjoyed ever since the conquest of the province, of paying their tythes, or letting it alone, as they liked best. It is true indeed that they now, for the most part, pay them voluntarily: but, I believe, many of them will not like to be compelled to do so, and will probably be greatly surprized at this part of the late act, and consider it as an unnecessary and officious piece of zeal for the support
of

of the popish religion, which (as its tendency to produce that effect is in no degree counteracted by other clauses and provisions that should encourage the priests gradually to abandon the tenets of popery, and embrace those of the protestant religion,) they will be utterly at a loss to account for in a parliament composed of protestant members.

But it has been said by the defenders of the late act, that this revival of the legal obligation on the people to pay the priests their tythes was no more than what the nation was bound to perform by the terms of the capitulation and treaty of peace. In order to shew that this assertion is not true, I shall here beg leave to recite, word for word, those articles of the capitulation and treaty of peace that relate to this subject. The 27th article of the capitulation of Montreal, in September, 1760, is as follows.

Article XXVII. The free exercise of the Catholick, Apostolick, and Roman religion, shall subsist intire; in such manner that all the states and people of the towns and countries, places, and distant posts, shall continue to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner directly or indirectly.

These people shall be obliged, by the English government, to pay to the priests the tythes and all the taxes they were uied to pay under the government of his most Christian majesty.

To

To these demands of the French general in behalf of the Canadians, Sir Jeffery Amherst, the English general, returned the following answer.

Granted, as to the free exercise of their religion. The obligation of paying the tythes to the priests will depend on the king's pleasure.

By the first part of this answer the free exercise of the Roman-Catholick religion is granted to the Canadians: and by the second part of it the compulsive obligation on the people to pay to the priests the tythes and other taxes due to them under the government of the French king, is suspended indefinitely, till the king's pleasure shall be known therein: that is, in other words, the Roman-Catholick religion is tolerated, but not established.

The king's pleasure has never been declared upon this subject till the royal assent was given to the late act of parliament.

We will next examine the treaty of peace.

The 4th article of the definitive treaty of peace concluded at Paris on the 10th day of February, 1763, contains the following clause relating to the liberty to be granted to the Roman-Catholicks of Canada of professing the worship of their religion.

“ His Britannick majesty, on his side, agrees to grant the liberty of the Catholick religion to the inhabitants of Canada. He will consequently give the most effectual orders that his new Roman-Catholick subjects may profess the worship of their religion

relig
as fa

T

tyth

an in

them

gives

prof

relig

perm

of the

think

as to

or per

this

gatio

oblig

dition

treaty

tinued

sure

never

Queb

been

the p

tulatio

obliga

It h

have

act, th

capacity

out ta

religion according to the rites of the Romish church, as far as the laws of Great-Britain permit."

This clause, we see, makes no mention of tythes; nor does it afford the least ground for an inference that the legal obligation to pay them was intended to be revived. It only gives the Canadians an assurance that they may profess the worship of the Roman-Catholick religion so far as the laws of Great-Britain permit. This expression, *profess the worship of their religion*, is rather an odd one. But I think it ought to be interpreted liberally, so as to mean, *to profess the doctrines, and practice, or perform, the worship, of their religion*. Now this may be done without a compulsive obligation to pay the priests their tythes. This obligation therefore remained in the same condition after the ratification of this article of the treaty of peace as it was before, that is, it continued to be suspended till his majesty's pleasure should be known upon the subject, which never was declared till the passing of the late Quebec act. It ought not therefore to have been asserted by the defenders of that act that the parliament was bound, either by the capitulation or the treaty of peace, to revive this obligation of paying the priests their tythes.

It has also been affirmed by the writers who have undertaken to defend the late Quebec act, that, in granting to the Canadians a capacity to hold places of trust and profit without taking the usual protestant tests, the parliament

liament has done no more than it was bound to do by the aforesaid capitulation and treaty of peace. But this assertion may be easily shewn to be as erroneous as the former.

For, in the first place, the capitulation says nothing at all upon the subject, but (as we have seen,) provides only for the free exercise of the Romish religion in Canada, without a compulsory obligation to pay tythes, that is, in other words, for a toleration of that religion. But this free exercise, or toleration, of that religion, may, it is evident, be enjoyed without a capacity of holding places of trust and profit, as a like toleration is enjoyed here in England by Quakers and such others of the protestant dissenters as comply with the conditions of the toleration-act. Therefore the capitulation did not require that this capacity of holding places of trust and profit should be granted to the Roman-Catholicks of Canada.

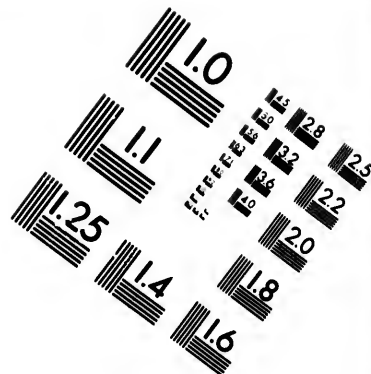
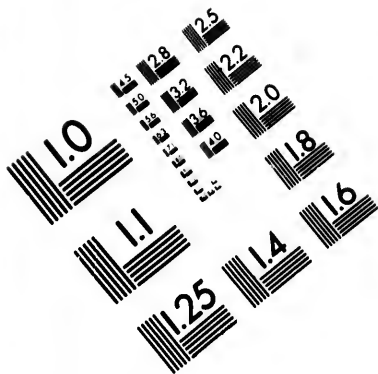
In the next place, therefore, let us examine the foregoing clause of the treaty of peace. Now here we find a reference to the laws of England in the concluding words of it, namely, *as far as the laws of Great-Britain permit*, of which it is necessary that we should ascertain the meaning.

Two senses may be put upon these words. They may either be supposed to mean, that the Canadians shall be at liberty to profess the worship of the Roman-Catholick religion as far as the laws of Great-Britain permit that
worship

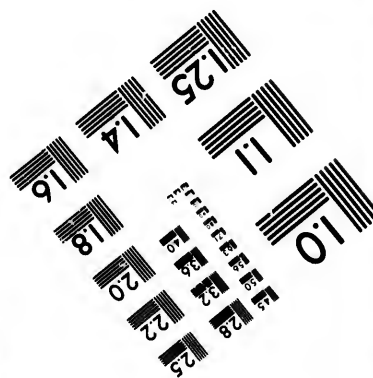
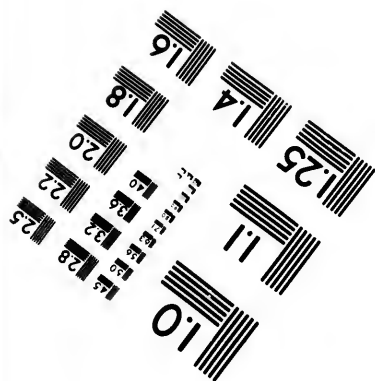
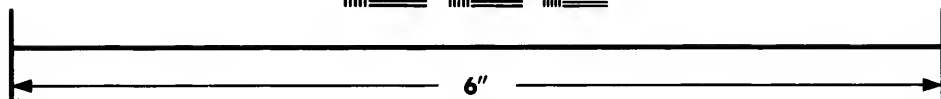
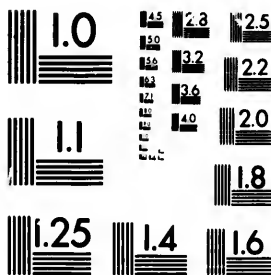
worship
that th
worshi
it to b
of the
parcel
the W
North-
I ackno
these w
sure de
fessing
which
qualify
the law
Romish
We mu
sense ab
to mean
liberty
gion as
be profes
crown.
permissi
any of t
Roman-
lying do
the real
we shall
and dis
professo
to Engl

worship to be professed in England itself, or that they shall be at liberty to profess that worship as far as the laws of England permit it to be professed in the out-lying dominions of the crown of Great-Britain that are not parcel of the realm, such as Minorca, Senegal, the West-India islands, and the colonies of North-America. The former of these senses I acknowledge to be too narrow to be put upon these words, because it would in a great measure destroy the grant of the liberty of professing the worship of the Romish religion, which those words were only intended to qualify and restrain; because in England itself the laws do not permit the worship of the Romish religion to be professed in any degree. We must therefore have recourse to the latter sense above-mentioned, and suppose these words to mean, that the Canadians should have the liberty of professing the worship of their religion as far as the laws of England permit it to be professed in the out-lying dominions of the crown. And, in order to know how far this permission extends, we must inquire whether any of the laws of England which relate to the Roman-Catholick religion extend to the out-lying dominions of the crown that lie without the realm. Now, upon making this inquiry, we shall find that, though most of the penal and disqualifying statutes passed against the professors of the Romish religion relate only to England and Wales, yet the act of the 1st





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

18
20
22
25
28
32
36
40
45
50

51
50
10

of queen Elizabeth, cap. 1. which is intituled, “ *An act to restore to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same,*” and which is commonly called the act of supremacy, does expressly relate to all the queen’s dominions as well as to the realm of England, and is even extended by positive words to such countries and places as should at any future time become subject to the crown of England. The purport of this important act is as follows.

The sixteenth section of it is in these words.
 “ And, to the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be clearly extinguished and never to be used or obeyed within this realm, or any other your majesty’s dominions or countries, may it please your highness that it may be further enacted by the authority aforesaid, That no foreign prince, person, prelate, state, or potentate, spiritual or temporal, shall at any time after the last day of this session of parliament, use, enjoy, or exercise, any manner of power, jurisdiction, superiority, authority, pre-eminence, or privilege, spiritual or ecclesiastical, within this realm, or within any other your majesty’s dominions and countries that now be, *or hereafter shall be*; but from thenceforth the same shall be clearly abolished out of this
 “ realm,

“ realm; and all other your majesty’s dominions for ever; any statute, ordinance, custom, constitutions, or any other matter or cause whatsoever to the contrary in any wise notwithstanding.”

The next section of this act of parliament annexes all ecclesiastical jurisdiction to the crown of England.

The 19th section requires all bishops and other ecclesiastical persons, and all ecclesiastical officers and ministers, and all temporal judges, justices, mayors, and other lay or temporal officers and ministers, and every other person having the queen’s fee or wages, within the realm of England *or any other her highness’s dominions*, to take the oath of supremacy.

The 24th section enacts that every temporal person doing homage for his lands to the queen, his heirs or successors, or that shall be received into the service of the queen, her heirs or successors, shall take the same oath.

And the 27th section enacts, that, if any person of any degree whatsoever, dwelling within the realm of England, *or in any other the queen’s realms or dominions*, shall, by writing, teaching, or preaching, maintain or defend the authority, spiritual or ecclesiastical, of any foreign prince, prelate, person, state, or potentate, whatsoever, heretofore claimed, used, or usurped, within the realm of England, or any dominion or country being within

or under the power, dominion, or obeifance, of the queen's highnefs, he fhall forfeit all his goods and chattels for the firft offence.

This ftatute feems, from the whole complexion of it, as well as from the pofitive words, *your majefty's dominions that hereafter fhall be*, to have been confidered, by the legiflature that paffed it, as an indifpenfable part of the general policy of the Englifh government, and to have been intended to take place in every country that either then made, or fhould thereafter make, a part of the dominions of the crown of England.

The reftriictions therefore of this ftatute are thofe to which we muft fuppoze the foregoing article in the treaty of peace to refer, by the words, *as far as the laws of Great-Britain permit*. And confequently the Britifh nation is bound by that article to grant to the Canadians the liberty of profefling the worfhip of the Roman-Catholick religion only fo far as is confiftent with that ftatute: and this ftatute muft be deemed to have been in force in Canada from the time of ratifying the faid treaty of peace in February, 1763; by its own virtue and operation, without the help of the king's proclamation in October, 1763, which introduced the reft of the laws of England, or of the king's commiffions of governour of the province of Quebeck given to general Murray and general Carleton, by which they were directed to require from every member both of the

the
the
of
ful
tia
fea
tin
of
it
in
ref
co
im
of
fe
wor
coun
all
ecc
con
of
der
pro
itse
M
was
of
inh
is
fum

the council and the assembly (as soon as there should be one) that they should take the oath of abjuration of the pope's authority and subscribe the declaration against transubstantiation before he was permitted to take his seat. And it must be deemed to have continued in force in the province till the late act of parliament, which, at the same time that it recognizes it (see above, page 84) as being in force by virtue of the aforesaid words of reservation in the treaty of peace, makes a considerable alteration in it.

I will now consider the operation of this important statute with respect to the province of Quebeck.

In the first place, it appears by the 16th section of it above-recited, and the express words, *any other your majesty's dominions and countries that now be, or hereafter shall be*, that all exercise of the pope's authority, or of any ecclesiastical authority derived from him, and consequently all exercise of the popish bishop of Quebeck's authority, (that authority being derived from the pope,) is prohibited in the province of Quebeck as much as in England itself.

Note. That the popish bishop of Quebeck was appointed to that office by a bull of one of the late popes, is well known to all the inhabitants of the province of Quebeck; and is further evinced by the title he himself assumes in his episcopal mandates, which is as follows;

follows ; *Jean Olivier Briand, par la misericorde de Dieu et la grace du Saint Siège, évêque de Québec, suffragant immédiat du siège apostolique, chanoine honoraire de l'église métropolitaine de Tours, &c.*

In the second place, it is plain from the 19th section of the said statute, that the popish bishop, (even if he did not act by authority from the see of Rome) ought not to exercise the office of bishop in the said province without having taken the oath of supremacy. And in like manner all other ecclesiastical persons, and all ecclesiastical officers and ministers, and all temporal judges, justices, mayors, and other lay, or temporal, officers and ministers, and every other person having the king's fee, or wages, in the said province ; that is, as I conceive, all the priests established in a legal manner in the several parishes of the province, so as to have a lawful right to the parsonage-houses and glebe-lands in them, and (if the king had declared his pleasure in favour of the compulsive obligation on the people to pay the priests their tythes and other former dues,) to the tythes of the parishes, and all the churchwardens and other such ecclesiastical officers and ministers, and all temporal judges and other officers of the civil government of the province, and all holders of places of profit under the crown in it, (or persons who receive the king's fee, or wages,) ought to take the said oath of supremacy.

This

T
perh
tole
Can
lick
cont
of su
care
thou
prie
othe
than
spiri
supp
were
impo
bene
to be
soeve
inflid
prie
prem
bene
or fi
men
mas
pers
they
war
Eliz
the
take

This section of the act of supremacy may perhaps be thought inconsistent even with a toleration of the Roman-Catholick religion in Canada, because none of the Roman-Catholick priests in the province can, while they continue Roman-Catholicks, take the said oath of supremacy. But if we examine the matter carefully, we shall find that it is not so. For, though it requires all ecclesiastical persons, or priests, to take this oath, yet, as it inflicts no other penalty upon them for refusing to take it than the deprivation of their benefices or other spiritual promotions, it seems reasonable to suppose that the words, *all ecclesiastical persons*, were meant, (notwithstanding their extensive import) to relate only to such priests as have benefices or other ecclesiastical promotions, to be deprived of, and not to all priests whatsoever. And there is no clause in the act that inflicts any penalty upon Romish priests, or priests who have not taken the oath of supremacy, and who are not in possession of any benefices or spiritual promotions, for saying or singing mass, or administering the sacraments of the church of Rome, in a private mass-house, or chapel, belonging to those persons of their own religion at whose desire they should officiate; though this was afterwards made penal by the statute of the 23d of Elizabeth, cap. 1. It seems therefore that the Romish priests in Canada, who could not take the oath of supremacy, might nevertheless,

less, consistently with this act of supremacy, have said or sung mass, and administered the sacraments of the church of Rome, to persons of their own religion, in private mass-houses or chapels, and perhaps also (by the indulgence of the government, and by way of continuation of the liberty that had been granted them in express words by the capitulation,) in the several parish-churches in the province, but without any right either to the tythes, or the parsonage-houses, or the glebe-lands, or any other advantages, or provisions, acknowledged and supported by the laws, or which did not arise from, and depend upon, the voluntary bounty of the persons at whose desire they officiated. And this would have been truly and strictly a toleration of the Roman-Catholick religion; which is all that was intended to be granted by the treaty of peace. Every thing further is, in a greater or less degree, an establishment of it.

I desire it may be observed that I am not at present inquiring what was fit, in point of policy or humanity, to be done in this respect, in order to accommodate and gratify the Roman-Catholick clergy of the province, (which would open a very wide field of argument,) but what the treaty of peace required to be done in the foregoing clause of indulgence to the Roman-Catholick religion.

But, to return to the principal proposition which I had undertaken to prove, which was, that

that
prof
sent
tent
by t
his g
peac
liam
carry
rem
fatis
said
tal st
whic
the la
is th
nada
and
nister
king
every
and
unde
taking
Th
supre
an ec
moti
appo
of th
medi
bene

that the incapacity to hold places of trust and profit was not (as some writers have represented it,) a new hardship imposed inadvertently upon the Roman-Catholicks of Canada by the king's proclamation, or commissions to his governours, in derogation of the treaty of peace, and which therefore the king and parliament were bound in honour, in order to carry that treaty effectually into execution, to remove; I hope it now appears plainly to the satisfaction of my readers, that by the aforesaid 19th section of this great and fundamental statute of the 1st of Elizabeth, cap. 1. (to which the treaty of peace is acknowledged in the late act of parliament to refer, and which is therein recognized as being of force in Canada,) all temporal judges, justices, mayors, and other lay, or temporal, officers and ministers, and every other person having the king's fee or wages, that is, in other words, every judge and other officer of government, and every person holding any place of profit under the crown, was under an obligation of taking the oath of supremacy.

The penalty of refusing the said oath of supremacy, to any person possessed either of an ecclesiastical benefice, or other spiritual promotion, or any temporal office or place, is appointed in the 20th, 21st, and 22d, sections of the same act of supremacy, to be the immediate and perpetual forfeiture of the said benefice, promotion, office, or place, during

the life of the person who held it, in the same manner as if the said person were dead.

But, though the oath of supremacy was necessary to be taken by all officers of government, and other persons holding places of profit under the crown, in Canada, by virtue of the treaty of peace and the aforesaid act of the 1st of Elizabeth, cap. 1. to which the said treaty had a reference, yet it must be confessed that the other protestant test which has been hitherto taken by the officers of government in the province of Quebeck, I mean, the declaration against transubstantiation, would not have been in force there by virtue of the treaty of peace and the said act of supremacy therein referred to, without the king's proclamation of October, 1763, and commissions to his governours of the province; because the obligation of subscribing that declaration is founded only on the stat. 25 Car. II. cap. 2. intituled, "An act for preventing dangers which may happen from popish recusants," which related only to England and Wales, and did not *proprio vigore*, or by its own import and operation, extend to the American colonies or other out-lying dominions of the crown. This second test for excluding Roman-Catholicks from places of trust and profit was introduced into the province of Quebeck by the proclamation of October, 1763, which promised to the persons who should resort to, and reside in, that province,

provi
bene
two c
verno
cessiv
Carle
requi
and a
shoul
that c
well
supren
title t
to tak
this c
which
supren
stantia
vince,
confut
I ha
quit th
tion o
the pro
have a
provin
least ti
Englan
tober,
his gov
make
assertio

province, the immediate enjoyment of the benefit of the laws of England, and by the two commissions of captain-general and governour in chief of the said province successively given to general Murray and general Carleton, which directed those governours to require every member both of the council and assembly of the province (as soon as one should be summoned,) to make and subscribe that declaration against transubstantiation, as well as to take the oaths of allegiance and supremacy, and abjuration of the pretender's title to the crown, before he was permitted to take his seat. The want of attending to this distinction between the foundations on which these two protestant tests, the oath of supremacy and the declaration against transubstantiation, have hitherto subsisted in the province, seems to have given occasion to some confusion on this subject.

I have one thing more to observe, before I quit this subject, concerning the legal obligation of paying tythes to the Romish clergy in the province of Quebeck, which some persons have asserted to have all along subsisted in the province ever since the conquest of it, or at least till the general introduction of the laws of England into it by the proclamation of October, 1763, and the king's commissions to his governours. The observation I mean to make here upon this matter is, that the said assertion is so far from being true, that, before

the said proclamation was published, the Roman-Catholick priests of Canada were doubly excluded from their legal right to tythes by the capitulation and treaty of peace, to wit, first, by the capitulation, and, secondly, by the treaty of peace. For by the capitulation the obligation of the people to pay the tythes to them was expressly suspended till the king's pleasure should be declared: and the king's pleasure had never been declared upon that subject till the late act. And by the reference to the laws of Great-Britain, and consequently to the act of supremacy, or stat. 1 Eliz. cap. 1. in the aforesaid 4th article of the treaty of peace, all ecclesiastical persons were to be excluded from their benefices till they had taken the oath of supremacy; which none of the Romish clergy of that province have taken: insomuch that, if the king's majesty had, in the interval between the said capitulation in September, 1760, and the said treaty of peace in February, 1763, as, for instance, in the year 1761, declared it to be his royal pleasure that the people of Canada should be obliged by the English government to pay the priests their tythes, yet they would have been a second time deprived of their legal right to them by the said article of the treaty of peace, unless they would have taken the oath of supremacy, by reason of the aforesaid 19th section of the act of supremacy, which was referred to in the said

said
 and
 with
 out a
 to th
 . It
 not b
 eithe
 above
 oblig
 Rom
 of th
 coun
 place
 oath
 N
 Will
 is we
 the o
 said a
 taken
 kind,
 pope
 autho
 docs
 king
 was c
 Th
 “
 heart
 and
 posit
 depri

said treaty, and thereby, as it were, established and promulged by his majesty's authority, with the consent of the French king, throughout all the country of Canada which was ceded to the crown by that article.

It appears therefore that the parliament was not bound in justice and honour, by the terms either of the capitulation or treaty of peace above-mentioned, to revive the compulsive obligation on the laity of Canada to pay the Romish priests their tythes, nor to admit any of the said priests to hold benefices in the said country, nor the Canadian laymen to hold places of trust and profit without taking the oath of supremacy.

Note. By the statute of the 1st of king William and queen Mary, sess. 2, cap. 2, which is well known by the name of *the Bill of rights*, the oath of supremacy appointed by the aforesaid act of the 1st of Elizabeth, cap. 1. was taken away, and another of a merely negative kind, or which contains only a denial of the pope's and every other foreign jurisdiction and authority in spiritual matters in this realm, but does not, as the former oath did, affirm the king to be the supreme head of the church, was established in its stead.

This oath is as follows.

“ I A. B. do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated, or deprived, by the pope, or any authority of
the

the see of Rome, may be deposed or murdered by their subjects, or any other person whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, with this realm."

So help me GOD."

This is the oath which has been taken ever since the Revolution, in lieu of the former oath of supremacy appointed by the statute of queen Elizabeth, and which therefore ought to have been taken in Canada by all priests who held benefices, and judges and other temporal officers of government, and persons who held places of profit under the crown, in that country from the ratification of the said treaty of peace to the time of passing the late act.

In lieu of this oath the late act of parliament has established another oath of a very different purport, being nothing more than an oath of allegiance expressed in many words, and accompanied with a renunciation of all pardons and dispensations for the breach of it.

By this abolition of the oath of supremacy in the province of Quebeck the late act has in a great measure repealed and annulled the act of the 1st of Elizabeth, cap. 1. though in words it seems to recognize and confirm it. See the clause which recognizes and confirms it,

it, a
weak
conf
supre
alleg
new
nece
of th
missi
has
artic
in th
ever
throu
of th
with
faith
peace
shew
to th
may
be co
them
ceive
any
ers i
them
grou
faith
and
to b

it, above, in page 84; and the proviso which weakens, or rather destroys, the force of that confirming clause by suppressing the oath of supremacy, and substituting the new oath of allegiance in its stead, in page 85; and the new oath itself in page 86. And thus the necessity of abjuring the foreign jurisdiction of the bishop of Rome, in order to an admission to offices of trust and power, which has hitherto been considered as a fundamental article, and, as it were, a principal land-mark, in the constitution of the English government, ever since the reformation, has been taken away throughout this extensive part of the dominions of the crown by the late act of parliament; without any obligation of honour or public faith, arising from the capitulation or treaty of peace above-mentioned, (as has been fully shewn) to make such a measure necessary. As to the reasons of policy and expedience that may be alledged in favour of it, I leave them to be considered by those who are acquainted with them, having never myself been able to perceive that there were any, nor observed that any have been alledged by the numerous writers in defence of the late act, who have all of them endeavoured to justify it only upon the ground of the obligation on the national faith and honour, arising from the capitulation and treaty of peace, which has been shewn to be insufficient for that purpose.

Many

Many more observations might be made both on the foregoing French petition and the act of parliament to which it has given rise. The vast enlargement of the province by adding to it a new territory that contains, according to Lord Hillsborough's estimation of it, 511 millions of acres, that is, more land than Spain, Italy, France and Germany put together, and most of it very good land, is a measure that would require an ample discussion. The total rescinding the king's proclamation of October, 1763, by which the royal and national faith was bound to those British subjects that should resort to, and reside in, the province of Quebec, that they should enjoy the benefit of the laws of England; instead of explaining and correcting it so far as might have been done with the consent and approbation of the said British subjects, and as would have been sufficient to satisfy the great body of the Canadian inhabitants of the province, to wit, by a revival of only so much of the former French laws in civil matters as related to the tenure, alienation and settlement, inheritance and dower of landed property; is another matter of great importance which requires a very full consideration. The great imperfection of the late act in not saying any thing about the bishop of Quebec, who has hitherto reigned in the province with great power and authority, exercising the spiritual thunders of excommunication, suspension of priests from their

their
divin
a ma
the
its i
rathe
of p
form
Que
nific
a do
is 12
perfo
defec
leave
was r
uncer
are m
to in
serve.
not t
there
on th
moria
of th
Lond
which
said r
at the
and o
severa
in or

their offices and benefices, and interdicting divine worship in churches and chapels, in a manner that has spread great terror among the Roman-Catholicks of the province:---- its imperfection also in not ascertaining, or rather in not vesting in the crown, the right of presentation to those benefices which were formerly in the patronage of the bishop of Quebeck, and which are almost all the benefices in the province, there being not above a dozen out of the whole number, (which is 128,) that are in the patronage of private persons:----and a number of other striking defects and omissions in the late act, which leave the condition of the province which it was meant to regulate, in a strange degree of uncertainty upon many important points; are matters that it would take up many pages to inquire into with the attention they deserve. But these are subjects which I have not time at present to enlarge upon. I shall therefore here put an end to these remarks on the foregoing French petition and memorial, and present the reader with a copy of the Case of the British merchants at London concerned in the Quebeck trade, which was drawn up, at the desire of the said merchants, in the month of May last, at the time of passing the late Quebeck bill, and of which printed copies were distributed to several members of both houses of parliament, in order to give weight to a petition against

that bill which those merchants at that time presented to the House of Commons in behalf of themselves and their correspondents and friends, the British inhabitants of the province of Quebeck.

This case was as follows.

The Case of the British Merchants trading to Quebeck, and others of his Majesty's natural-born Subjects, who have been induced to venture their Property in the said Province on the Faith of his Majesty's Proclamation, and other Promises solemnly given.

The proclamation
of October
1763.

THE king's most excellent majesty was graciously pleased, by his royal proclamation of the seventh of October, one thousand seven hundred and sixty-three, passed under the great seal of Great-Britain to invite his loving subjects, as well of his kingdoms of Great-Britain and Ireland, as of his colonies in America, to resort to the said province of Quebeck, and the other provinces then lately ceded to his majesty by the French king, in order to avail themselves, with all convenient speed, of the great benefits and advantages
that

that
manu
cour
decla
ters p
tain,
said
given
verno
as the
colonie
mon
said g
as is
and p
his ma
his ma
govern
counci
sentati
summo
and or
the pu
ment o
people
be agr
under
used in
ther to
until s
said; a
his maj

that must accrue therefrom to their commerce, manufactures, and navigation ; and as an encouragement to them so to do, to publish and declare, that his said majesty had, in the letters patent under the great seal of Great-Britain, by which the new governments in the said ceded countries had been constituted, given express power and directions to his governours in the said new colonies, *that so soon as the state and circumstances of the said new colonies would admit thereof, they should summon and call general assemblies within the said governments,* in such manner and form as is used and directed in those colonies and provinces in America which were under his majesty's immediate government ; and that his majesty had also given powers to the said governours, with the consent of his majesty's councils of the said province, and the representatives of the people in the same, so to be summoned as aforesaid, to make, constitute and ordain laws, statutes, and ordinances for the publick peace, welfare, and good government of his majesty's 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 was pleased further to declare, *that in the mean time, and until such assemblies could be called as aforesaid ; all persons inhabiting in, or resorting to, his majesty's said colonies might confide in his*

D d 2

majesty's

majesty's royal protection for the enjoyment of the benefits of the laws of England; and that for that purpose his majesty had given power, under the great seal, to the governours of his majesty's said new colonies, to erect and constitute, with the advice of his majesty's councils of the said provinces respectively, courts of judicature and publick justice within the said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be, agreeably to the laws of England.

Provincial
ordinance
of Sept. 17,
1764.

And in pursuance of the said proclamation, and of the commission of captain-general and governour in chief of the said province of Quebeck, granted to major-general Murray, in the following month of November, one thousand seven hundred and sixty-three, and by him received and published in the month of August of the following year, one thousand seven hundred and sixty-four, the said major-general Murray did, with the advice of his majesty's council of the said province, make and publish an ordinance of the said province on the seventeenth day of September, in the same year, one thousand seven hundred and sixty-four, for erecting and constituting courts of judicature; and by the said ordinance did erect two principal courts of judicature, called the Courts of King's Bench, and Common Pleas; and did by the said ordinance give power and authority to the chief justice of the province,

provi
King
deter
ably
nance
by th
the ju
Cour
matte
equity
of E
then
until
inform
by the
vince
An
same
sixty-
publi
his m
the fa
new C
prehe
of the
by wh
until
suing,
thousa
tenure
as we
vince,

province, before whom the said court of King's Bench was to be held, to hear and determine all criminal and civil causes, agreeably to the laws of England, and the ordinances of the said province; and did likewise, by the said ordinance, direct and command the judges of the said second court, called the Court of Common Pleas, to determine all matters brought before them agreeably to equity, having regard nevertheless to the laws of England, as far as the circumstances and then present situation of things would admit, until such time as proper ordinances for the information of the people could be published by the governour and council of the said province, agreeable to the laws of England.

And on the sixth day of November, in the same year, one thousand seven hundred and sixty-four, another provincial ordinance was published by the said governour Murray, and his majesty's council of the said province, for the sake of quieting the minds of his majesty's new Canadian subjects, and removing the apprehensions occasioned by the said introduction of the laws of England into the said province, by which it was ordained and declared, that until the tenth day of August then next ensuing, that is, in the year of our Lord one thousand seven hundred and sixty-five, the tenures of the lands, in respect of such grants as were prior to the cession of the said province, by the definitive treaty of peace signed at

Provincial
ordinance
of Novem-
ber, 1764.

at Paris, on the tenth day of February, one thousand seven hundred and sixty-three, and the rights of inheritance, as practised before that period, in such lands or effects of any nature whatsoever, according to the custom of the said country, should remain to all intents and purposes the same, unless they should be altered by some declared and positive law.

Conclu-
sion drawn
from the
said pro-
clamation
and ordi-
nances by
the king's
ancient &
natural-
born sub-
jects.

And the said two ordinances have been transmitted to his majesty, and never disallowed by him, and are therefore generally understood by his majesty's British subjects in the said province, to have received the sanction of his majesty's royal approbation; and in consequence of the said two ordinances, together with the proclamation aforesaid of the seventh of October, one thousand seven hundred and sixty-three, and the two commissions of governour in chief of the said province, granted successively to major-general Murray and major-general Carleton, which seem in every part of them to pre-suppose that the laws of England were in force in the said province of Quebeck, being full of allusions and references to those laws on a variety of different subjects, and do not contain any intimation of a saving of any part of the laws and customs that prevailed in the said province in the time of the French government, we the British merchants trading to Quebeck, and all the ancient British subjects residing in the said province have been made to understand and believe,

lieve,
trodu
have
word
in the
We
prife
broug
tende
Octob
sixty-
author
provin
the or
to the
justice
judges
be rev
We
many
said ro
procee
jesty's
siderab
said p
divers
his m
his an
a like
resort
provin
prope

lieve, that the laws of England have been introduced into the said province, and that they have had the sanction of his majesty's royal word, that they should continue to be observed in the said province.

We cannot therefore but express our surprise and concern at hearing that a bill is now brought into parliament, by which it is intended, that the said royal proclamation of October, one thousand seven hundred and sixty-three, and the commission under the authority whereof the government of the said province is at present administered, and all the ordinances of the said province, relative to the civil government and administration of justice in the same, and all commissions to judges and other officers of the same, should be revoked, annulled, and made void.

We humbly beg leave to represent, that many of us have, through a confidence in the said royal proclamation, and other instruments proceeding from, and allowed by, his majesty's royal authority, ventured to send considerable quantities of merchandize into the said province, and to give large credits to divers persons residing in the same, both of his majesty's new Canadian subjects, and of his antient British subjects, who have, through a like confidence in the said proclamation, resorted to, and settled themselves in, the said province. And that we have employed our property and credit in this manner, in a firm belief,

The petitioners are alarmed at the design of revoking the king's proclamation, and commission to his governor, &c.

Credit given by the petitioners to persons residing in Canada upon the faith of the said proclamation, &c.

belief, that we should have the remedies allowed us by the laws of England for the security and recovery of it; and that if we had supposed the French laws, which prevailed in the said province under the French government, to be still in force there, or to be intended to be revived in the same, we would not have had any commercial connections with the inhabitants of the said province, either French or English. And therefore we beg leave to represent, that we think ourselves intitled, upon the mere grounds of justice, (without desiring any favour to be shewn us on the account of our being his majesty's antient, and faithful, and protestant subjects, that are attached to his royal person and government by every tie of religion, interest, and habitual duty and affection) to insist that, if it be resolved to persist in this new measure of reviving all the former laws of Canada concerning property and civil rights, and abolishing the laws of England that have prevailed there in their stead since the establishment of the civil government in one thousand seven hundred and sixty-four, the execution thereof may at least be postponed until we shall have had sufficient time to withdraw our effects from the said province, and obtain payment of the debts which are owing to us in the same, by the remedies and methods of trial allowed and appointed by the laws of England in that behalf; through a reliance on which remedies

They therefore desire that the intended revival of the French laws may at least be postponed for some time.

remedies
duced
and p
this t
be les
We
appre
introd
provin
ments
usual,
respec
have b
been t
the co
majest
policy
occasio
And w
the wh
into th
of the
withou
Irish la
and de
has be
contran
a strong
betwee
And th
the pri
lish law

remedies and methods of trial we were induced to venture our our said effects there, and permit those debts to be contracted. And this time, we humbly represent, cannot well be less than three years.

We further beg leave to represent, that we apprehend his majesty's former conduct in introducing the laws of England into the said province by his proclamation and other instruments aforesaid, to have been in no wise unusual, or severe, or particularly harsh, with respect to his new Canadian subjects, nor to have been unexpected by them, but to have been the natural and known consequence of the conquest and cession of the country to his majesty by the late peace, according to the policy of the crown of Great-Britain on the occasion of similar conquests in former times. And we particularly beg leave to observe, that the whole law of England has been introduced into the kingdom of Ireland, in consequence of the conquest of it by the arms of England, without any the least mixture of the antient Irish laws, even upon the subjects of tenures and descents of land: and no inconvenience has been found to follow from it; but, on the contrary, the similitude of laws is at this day a strong ground of union and mutual affection between the inhabitants of the two countries. And the like has been done with respect to the principality of Wales; in which the English law is the only law that has been allowed

Vindication of the king's former conduct in introducing the laws of England into Canada.

The same thing was done in Ireland;

And in Wales;

E c

for

for more than two hundred years past: and the like good effects have followed from it. And in the last century, upon the conquest of the province of New-York, then called the New Netherlands, from the Dutch, the same policy was observed, and the Dutch laws were totally abolished, and the English laws introduced in their stead, which have prevailed there ever since. And yet, at that time, the Dutch settlers in that province were very numerous, and from them much the greater part of the present inhabitants are descended. And, in conformity to these examples, we did conceive his most gracious majesty to have intended to introduce the laws of England, by his proclamation aforesaid, into the four new governments of Granada, East Florida, West Florida, and Quebeck, instead of the French and Spanish laws, which had prevailed therein under the former governments. And we conceive this conduct of his most gracious majesty, to have been no way derogatory to the articles of capitulation, granted to his Canadian subjects by general Amherst, upon the surrender of the whole country to his majesty's arms in September, one thousand seven hundred and sixty; because, when the French general expressly demanded, in one of the articles of capitulation, " That the French and Canadians should continue to be governed according to the custom of Paris, and the laws and usages established for that country, and that

And in
New-
York.

A power
of doing so
in Canada
was ex-
pressly re-
ferred to
the king
by the ca-
pitulation

that
impo
the F
herst
clare
there
late
maki
the f
shoul
W
are m
tion o
relate
and p
deter
the t
of it
of inj
impr
and v
son,
corpu
take
sense
laws
prom
tion
hend
jurisp
fellow

that they should not be subject to any other imposts than those that were established under the French dominion;" the said general Amherst, in his answer to the said demand, declares, "*That they become the king's subjects;*" thereby avoiding to tie up and preclude his late majesty, and his royal successors, from making such changes in the laws and taxes of the said province, as to his royal wisdom should seem meet.

We further beg leave to represent, that we are most especially anxious for the preservation of those parts of the English law which relate to matters of navigation, commerce, and personal contracts, and the method of determining disputes upon those subjects by the trial by jury, and likewise for those parts of it which relate to actions for the reparation of injuries received, such as actions of false imprisonment, and of slander, and of assault, and whatever relates to the liberty of the person, and most of all for the writ of habeas corpus, in cases of imprisonment; which we take to be, in the strongest and most proper sense of the words, *one of the benefits of the laws of England*, of which his majesty has promised us the enjoyment by his proclamation above-mentioned, and which we apprehend to be a part of the English system of jurisprudence, to which our new Canadian fellow-subjects will not object.

The parts of the English law which the petitioners most particularly desire to be continued in the province.

The prosperous condition of the province since the introduction of the English law.

And we beg leave to represent, that the province of Quebeck has thriven exceedingly, both in agriculture and trade, since the establishment of the civil government of the province, and the introduction of the English laws into the same; having exported last year about three hundred and fifty thousand bushels of corn; whereas, in the time of the French government, they exported none at all, and produced hardly enough for their own subsistence.

The greater part of the trade of the province is carried on by the British inhabitants of it.

And we further beg leave to represent, that much the greater part of this trade is carried on by his majesty's old British subjects in the said province; by which they may justly claim to themselves the merit of having been the principal promoters of the late great improvement of the province.

The petitioners do not object to the revival, or continuance, of the French laws relating to landed property.

And we further beg leave to represent, that we by no means object to a revival or continuance of the former French laws concerning the tenures of land, and the methods of alienating and conveying land, nor even concerning the inheritance of land belonging to Canadians born, or to be born, of marriages already contracted; nor concerning dower, or the other civil rights of either men or women resulting from the matrimonial contract, so far as they relate to marriages already contracted. And we conceive that the revival of the French laws in these particulars, with full powers given to the Canadians of future times

to

to con-
their
wills,
sufficie
of his
make
genera
in con
above-

And
several
possesse
propert
of ther
we wil
seignior
the mo
the har

And
in con
promis
said, th
stances
assembl
same sh
nour th
said go
the said
laws an
govern
constan
of the

to continue them in their respective families at their pleasure by marriage-agreements, last wills, or deeds in their life-time, would be sufficient to give full satisfaction to the bulk of his majesty's new Canadian subjects, and make them acquiesce very chearfully in the general establishment of the laws of England, in conformity to his majesty's proclamation above-mentioned, upon all other matters.

And we further beg leave to represent, that several of his majesty's Old British subjects are possessed of a considerable quantity of landed property in the said province, and that others of them are daily becoming so: and hereupon we will venture to affirm, that sixteen of the feignories of that province, and some of them the most valuable ones in the country, are in the hands of the said Old British subjects.

And we further beg leave to represent, that, in consequence of his majesty's most gracious promise contained in his proclamation aforesaid, that, as soon as the situation and circumstances of the said province would permit, an assembly of freeholders and planters of the same should be called by his majesty's governour thereof, which, in conjunction with the said governour, and his majesty's council of the said province, should have power to make laws and ordinances for the welfare and good government of the said province, we have constantly entertained hopes that an assembly of the freeholders of the same would soon be established,

Many of the British inhabitants of the province are possessed of considerable quantities of landed property in it.

Concerning an assembly of the freeholders of the province.

established, and that we should enjoy the benefits resulting from that free and equitable method of government in common with the inhabitants of the adjoining provinces of North-America.

The petitioners are alarmed at the clause for establishing a legislative council in the province.

And therefore we beg leave to represent, that we have been very greatly alarmed by that part of the bill now before parliament, which seems to cancel the said most gracious promise of our sovereign, and to deprive us of all hopes of obtaining the establishment of a general assembly of the freeholders of the said province, and to establish in the stead thereof a very different mode of government in the said province, by a legislative council, consisting of persons appointed by, and removeable at the pleasure of, the crown; more especially as the said new mode of government, (which we presume nothing but some urgent and very peculiar circumstances of necessity can be thought a sufficient reason for adopting) is not limited in the said bill to continue for only a certain small number of years, after which they might hope to have an assembly in the said province, agreeably to the said royal promise, but is established in very general terms, that remove that agreeable prospect out of their sight.

The want of a sufficient number of protestant landhold-

We further beg leave to represent, that we have hitherto been made to understand, that the reason of the omission of his majesty's governours of the said province to call a general assembly

assembly
the fir
thereo
dred a
cordin
them
comm
in ch
difficu
subjec
propet
bers o
tions o
that al
either
of the
cil of
ration
declara
as take
abjura
of the
fit and
this ob
now th
the sai
now a
said pr
willing
declara
to info
tion h

assembly of the freeholders of the same, from the first establishment of the civil government thereof, in the year one thousand seven hundred and sixty-four, to the present time, according to the powers and directions given them by his majesty in that behalf, in their commissions of captain-general and governour in chief of the said province, has been the difficulty of finding a sufficient number of subjects of his majesty in the said province properly qualified, in all respects, to be members of such assembly, according to the directions of the said commissions, which required, that all persons who should become members either of the said assembly of the freeholders of the said province, or of his majesty's council of the same, should take the oath of abjuration of the pope's power, and subscribe the declaration against transubstantiation, as well as take the oath of allegiance and the oath of abjuration of the pretender's right to the crown of these realms, before they were admitted to sit and vote in such assembly and council. And this objection, we beg leave to represent, is now thought, by persons well acquainted with the said province, to be at an end, there being now a sufficient number of freeholders in the said province to constitute a house of assembly, willing and ready to take the said oaths and declaration; in proof of which we beg leave to inform this honourable house, that a petition has been lately presented to his majesty from

ers in the provinceto form an assembly has been hitherto alledged as the reason of the omission to call one.

That reason is now at an end, there being a sufficient number of protestant freeholders for that purpose.

from the British and protestant inhabitants of the said province, signed by a great number of persons of that description, requesting his majesty to summon and call such a general assembly of the freeholders of the said province, and assuring him that there are a sufficient number of persons in the said province qualified according to the direction of his majesty's commission for that purpose, and humbly representing to his majesty, that the situation and circumstances of the said province are at present such, as not only render the said measure of establishing a general assembly practicable, but likewise make it to be highly expedient for the regulation and improvement of the said province.

And we beg leave further to represent, that if it be thought inexpedient on the one hand to constitute a house of assembly, consisting of protestants only, agreeably to the directions of his majesty's commissions before-mentioned, on account of the great superiority of the numbers of the Roman-Catholicks in the said province, who would thereby be excluded from sitting in such assembly; and, on the other hand, it be thought dangerous to summon a general assembly into which the Roman-Catholicks should be admitted indiscriminately with the protestants; and, on account of this twofold difficulty, it be judged necessary to have recourse to the new method of government above-mentioned, by investing a council
of

of per
pleasur
of legi
the sa
dangere
habita
the leg
assemb
cient t
of the
new le
body i
for the
conseq
the fre
vernm
tion an
govern
pursue
press o
before
all, or
intend
testant
Cathol
taind
humb
house
counci
vince,
of the
protest

of persons nominated, and removeable at, the pleasure of the crown, with a certain degree of legislative authority; we humbly hope that the same reasons which make it be judged dangerous to admit the Roman-Catholick inhabitants of the said province into a share of the legislative authority by means of an open assembly of the same, will be thought sufficient to exclude them from obtaining a share of the same authority by an admission into this new legislative council; which, being a single body invested with the power of making laws for the province, will be of more weight and consequence in the same, than an assembly of the freeholders would be, if the plan of government promised by his majesty's proclamation and commissions above-mentioned, by a governour, council and assembly, had been pursued. And therefore we cannot but express our concern to find, that in the bill now before parliament, there is no provision that all, or even any of, the members of the said intended council should of necessity be protestants, but that they may be all Roman-Catholicks notwithstanding any thing contained in the same. And therefore we most humbly and earnestly intreat this honourable house to take care that, if such a legislative council must be established in the said province, in lieu of an assembly of the freeholders of the same, the members thereof shall be all protestants; or, if that be thought too much

Objection
to the ad-
mission of
Roman-
Catholicks
into the
legislative
council.

to grant to them, that at least a majority of the members of the said council should necessarily be protestants, and only a few of the most moderate sort of Roman-Catholicks should be admitted into it, who should be required to take the oath of abjuration of the pope's authority, though not to subscribe the declaration against transubstantiation; which is a temperament, which, as we conceive, might lead to good effects hereafter.

Necessity
of making
the mem-
bers of the
legislative
council in-
dependent
of the go-
vernour.

And we further beg leave to represent both on our own account, and in behalf of our friends and correspondents, the antient British inhabitants now residing in the said province, that, if the said province must be governed by a legislative council, nominated by his majesty, without the concurrence of an assembly of the freeholders of the same, we humbly hope that a clause will be inserted in the bill, to render the members of the said council incapable of being either removed or suspended by his majesty's governour of the said province, and liable only to be removed by his majesty himself, by his order in his privy council, (of whose wisdom and justice we can entertain no suspicion) to the end, that the said counsellors may both act with a spirit of freedom and independence becoming their high offices of legislators of the said province, and be thought to do so by the people of the same, instead of being considered as dependent creatures and tools of the will and pleasure of the governour

govern
will be
a powe
their fa

And
it is al
shall b
the nu
fixed a
vary b
twenty
present
cil may
may be
it pers
provinc
residing
resoluti
able to
over w
respect
sent, th
judicio
corresp
would
amongst
habitan
ing usef

And
in case
establis
vision r

gouverneur for the time being, as we conceive will be the case, if he shall be invested with a power of removing or suspending them from their said offices at his discretion.

And we beg leave further to represent, that it is also our wish, if such a legislative council shall be established in lieu of an assembly, that the number of the members thereof may be fixed and certain, instead of being liable to vary between the numbers of seventeen and twenty-three persons, as is proposed in the present bill; and likewise, that the said council may be made as numerous as conveniently may be, to the end, that it may contain within it persons acquainted with every part of the province, and the interests of the inhabitants residing in the same, and that their acts and resolutions may be, for the most part, agreeable to the sentiments of the body of the people over whom they are to preside. And, with respect to this point, we beg leave to represent, that it is the opinion of some of the most judicious and respectable of our friends and correspondents in the said province, that it would be easy to find thirty-one persons amongst the British and other protestant inhabitants of the said province, capable of being useful members of such a council.

And we further beg leave to represent, that in case such a legislative council should be established, it is our earnest desire that provision may be made in the said bill, that a

The petitioners desire that the legislative council may consist of a certain number of members, instead of a number that may be varied at pleasure.

And they suggest that their number should be thirty-one

They further desire that a majority of the whole number of counsellors

may be
made ne-
cessary to
the tran-
sacting of
business.

certain number of the members of the same shall be necessary to transact business; without which it may happen, that a very small part of the whole body, as, for example, five or six persons, shall occasionally exercise the great powers vested in the whole, and make laws and ordinances that shall bind all the inhabitants of the province; which, we humbly conceive, would be highly inexpedient and unbecoming, and cause great uneasiness in the said province. And we are humbly of opinion, that the number thus made necessary to the exercise of these high legislative powers, ought to be more than half the whole number of the members of such council.

And that
the mem-
bers may
be paid for
their at-
tendance
at the
council, a
certain
sum of
money for
every at-
tendance.

And we further beg leave to suggest it as our opinion concerning this legislative council, that it would be expedient that the members thereof should receive some reasonable reward out of the publick revenue of the province, for every attendance at the meetings of the said council on the legislative business of the said province, sufficient, at least, to defray the expences of travelling to the place where the said meetings shall be held, and of residing there during the time of the said meetings; to the end, that at all the meetings of the said council, there may be a very full attendance of counsellors, who may concur in exercising the said high authority; without which, the ordinances they shall pass will not be very likely to obtain the reverence due to them

from

from
obedi

But
most
bliss
shall
blisse
years,
after
and c
admit
the fr
reap t
to us
above
in the
jesty's
nour,

W
noura
into c
by ou
the f
and t
them
conce
our c
respo
jects
prov
the
houf

from the people, nor meet with a chearful obedience.

But above all, we beg leave to repeat our most earnest hopes and desires, that the establishment of the said legislative council (if it shall be resolved that such a one shall be established,) may be only for a small number of years, to the end, that, in case it shall hereafter appear to his majesty, that the situation and circumstances of the said province will admit of the summoning a general assembly of the freeholders of the same, we may at last reap the benefit of his most gracious promise to us in his proclamation and commissions above-mentioned, that we should be governed in the usual and approved method of his majesty's other colonies in America, by a governor, council, and assembly.

We therefore humbly hope, that the honourable house of commons will take our case into consideration, and permit us to be heard by our council at the bar of their house, to the several heads mentioned in this state of it, and to such other parts of the bill now before them, as we shall apprehend ourselves to be concerned in interest to object to, either on our own account, or in the behalf of our correspondents and friends, the Old British subjects of the crown now residing in the said province. And we have a firm reliance on the wisdom and justice of this honourable house, the representatives of the Commons of Great-

And that the said council may be established for only a small number of years, to the end that the province may afterwards be governed by an assembly.

Great-Britain, for a satisfactory determination upon all the matters contained in this case, and upon the other points which may be submitted to their consideration by our counsel at their bar, and for the protection of our rights and liberties, as British subjects, who have acted under the sanction of his majesty's royal proclamation above-mentioned.

The proceedings in parliament upon the bill for regulating the government of the province of Quebeck are so recent, that all those who were present at them must needs remember them. But, as both houses of parliament were but thinly attended at that time, (the greatest number in the house of Commons, upon any division, having been only about 130,) it will be necessary for the greater part of the members of the present parliament, who shall desire to be acquainted with the history of that bill, to have recourse to some written account of it. And for this purpose it may be convenient for them to consult the new collection of debates in parliament published by Mr. Almon, and intended as a supplement to Chandler's collection, as the last volume of that new collection comes down to the end of the last session of parliament, and gives a pretty full account of those proceedings.

This

This
plac
refer
time
gree
a sh
were
in a
vinc
to ac
petit
ploy
the
tion,
recei
lette

“
“ I
“ w
“ co
“ af
“ at
“ b
“ o
“ fo
“ in
“ w

This account I would gladly reprint in this place, to save my readers the trouble of this reference to that collection : but there is not time for it. However, in order in some degree to supply this defect, I shall here insert a short account of the principal points that were debated upon that occasion, which I sent in a letter to some of my constituents in the province of Quebeck in the course of last summer, to acquaint them not only with the fate of their petition for an assembly, which they had employed me to present to his majesty, but with the manner in which the new plan of regulation, that was adopted in its stead, had been received and conducted in parliament. This letter is as follows.

Inner Temple, Aug. 22, 1774.

“ Gentlemen,

“ I Understand that you have expressed a
 “ desire to receive an answer to the letter
 “ with which you honoured me last winter
 “ concerning your petition for an house of
 “ assembly, and that you have been surprized
 “ at my not sending one. I may perhaps have
 “ been wanting in respect to you upon that
 “ occasion : and, if I have, I beg your pardon
 “ for it : but the true reason of my not writ-
 “ ing was because I considered the answer I
 “ wrote to the committee at Quebeck (which
 “ was

“ was a pretty full one, and of which I here-
 “ with send you a copy,) as an answer to
 “ both committees, which I supposed to cor-
 “ respond together, and to communicate to
 “ each other all the papers they either sent or
 “ received concerning the matter of their ap-
 “ plication to the king. Since my writing
 “ that answer an act of parliament has been
 “ passed which seems to put an end to all
 “ hopes of success in your endeavours to ob-
 “ tain an assembly, having erected a legisla-
 “ tive council in its stead without any li-
 “ mitation of time, and enlarged the pro-
 “ vince to such a degree as to make an assem-
 “ bly an impracticable method of govern-
 “ ment. The merchants of London who
 “ were concerned in the Quebeck trade, pe-
 “ titioned the House of Commons against this
 “ act, but without success; and the city of
 “ London addressed his majesty to refuse his
 “ royal assent to it, to as little purpose. It
 “ repeals and annuls the king’s proclamation
 “ of October, 1763, with respect to the pro-
 “ vince of Quebeck; and gives the popish
 “ priests a legal right to their tythes from all
 “ Roman-Catholicks, which Sir Jeffery Am-
 “ herst had refused them at the capitulation.
 “ This is disapproved of by great numbers of
 “ dispassionate people here, as going beyond
 “ a toleration of the popish religion, and, in
 “ a great measure, establishing it, by imposing
 “ a tax of the twenty-sixth bushel of corn
 “ upon

“ upon forty-nine landholders out of fifty
 “ for the maintenance of priests to teach it:
 “ At the same time the act makes no provi-
 “ sion for the teaching the protestant religion,
 “ but only impowers the king to do so out of
 “ the tythes due from protestant land-hold-
 “ ers, if he shall so please. So that, upon the
 “ whole, the act seems likely to perpetuate
 “ the Roman-Catholick religion, rather than
 “ gradually to introduce the protestant. In
 “ short, it has appeared in so bad a light to
 “ the lovers of liberty and the protestant
 “ religion, that the duke of Gloucester,
 “ (though remarkable for the moderation of
 “ his conduct and his general disposition to
 “ comply with the king’s pleasure,) thought
 “ fit to vote against it.

“ As I had prepared a draught of an act of
 “ parliament for establishing a legislative
 “ council in the province of Quebeck, I am
 “ apprehensive that, from the similitude of
 “ the names, I may be thought to approve of
 “ the legislative council established by this
 “ act, and perhaps to have contributed to-
 “ wards its being established; whereas in
 “ truth I utterly disapprove it, and have done
 “ all that lay in my little power to prevent
 “ its passing. I therefore beg leave to point
 “ out to you the difference between the le-
 “ gislative council which I had proposed and
 “ that which is established by this act. In
 “ the first place, that which I had proposed

“ was to have been only for seven years, after
 “ which I hoped it might be found practicable
 “ to have an assembly----this, which is esta-
 “ blished by the act, is without limitation of
 “ time; so that the accomplishment of the
 “ king’s promise in his proclamation, to
 “ summon an assembly as soon as the situ-
 “ ation and circumstances of the province
 “ will permit, is removed quite out of sight.
 “ Secondly, the former legislative council was
 “ to consist only of protestants; because, if
 “ papists are fit to be members of such a
 “ council, they must likewise be fit to be
 “ assembly-men; and in that case there is no
 “ pretence for not calling an assembly at pre-
 “ sent, agreeably to the king’s promise in his
 “ proclamation. But this legislative council
 “ may consist of either protestants or papists:
 “ nay, they may be all papists, and even popish
 “ priests, for aught that is enacted to the
 “ contrary in this act. Thirdly, The former
 “ legislative council was for the old province
 “ of Quebeck only, which is of a size capable
 “ of being governed by an assembly; by
 “ which means the introduction of that con-
 “ stitutional mode of government in some
 “ years hence was kept in view, in case the
 “ number of protestants should sufficiently
 “ increase in the province to make it proper;
 “ whereas this legislative council is invested
 “ with authority over a country too extensive
 “ to be governed by an assembly, if the in-
 “ habitants

“ habitants of it should all be protestants ;
 “ which gives room to apprehend that the
 “ whole design of ever having an assembly is
 “ laid aside. Fourthly, The former legisla-
 “ tive council was to consist of thirty-one
 “ members, of whom seventeen were to be
 “ necessary to make a board. This may con-
 “ sist of only seventeen members, of whom
 “ nine may make a board. Fifthly, In the
 “ former legislative council the members were
 “ to be wholly independent of the governour,
 “ neither liable to be removed nor suspended
 “ by him, but only by the king ; but in this
 “ act there is nothing to prevent the king
 “ from communicating to his governour a
 “ power of suspending or removing the mem-
 “ bers of this council at his pleasure. Sixthly,
 “ In the former legislative council the mem-
 “ bers were to have been paid for their at-
 “ tendance ; which was done with a view to
 “ procure a full attendance, and thereby to
 “ give weight and dignity to the ordinances
 “ they should make : but in the present le-
 “ gislative council the members are not to be
 “ paid, and therefore will not perhaps attend
 “ in considerable numbers, but will leave the
 “ business to be transacted by those who have
 “ offices in the government, or who are
 “ otherwise most dependent on the gover-
 “ nour, and disposed to be subservient to his
 “ pleasure. There is certainly some danger
 “ of an inconvenience of this kind, though I
 G g 2 “ heartily

“ heartily wish the event may shew it to be
 “ very small. These differences between the
 “ two legislative councils will, I hope, acquit
 “ me in your opinions, gentlemen, of the
 “ suspicion of having in any degree contri-
 “ buted to the establishment of that which is
 “ appointed by this act.

“ You will further observe that this act
 “ revives the whole French law, in the lump,
 “ concerning civil matters: the words of the
 “ act are, *concerning matters of property and*
 “ *civil rights*. It was objected to this clause
 “ in the House of Commons (where alone
 “ this act met with a full discussion, having
 “ passed the House of Lords, as I have been
 “ assured, almost without opposition, and as
 “ a matter of course, and without calling any
 “ witnesses to support the allegations upon
 “ which the bill was grounded,) that by it
 “ the English laws concerning personal li-
 “ berty and the writ of Habeas Corpus were
 “ abolished, and the French practice of im-
 “ prisoning subjects at the king’s pleasure by
 “ letters *de cachet*, or orders under the king’s
 “ hand and seal, without assigning any cause
 “ for such imprisonment, would become
 “ lawful. Mr. Dunning declared it to be
 “ his opinion that it would be so: for that,
 “ as personal liberty is a civil right, and the
 “ act says that in all matters of property and
 “ civil rights resort shall be had to the laws
 “ of Canada, and not to the laws of Eng-
 “ land,

“ lan
 “ dep
 “ and
 “ just
 “ wo
 “ a m
 “ pro
 “ affo
 “ pri
 “ I
 “ clau
 “ cer
 “ rec
 “ infe
 “ pot
 “ they
 “ tro
 “ cack
 “ peo
 “ not
 “ crow
 “ ticl
 “ ject
 “ of
 “ law
 “ beer
 “ ten
 “ Fre
 “ pat
 “ it c
 “ aver
 “ tect

“ land, it must follow that, if a man was
 “ deprived of his liberty by a *lettre de cachet*,
 “ and his friends were to apply to the chief
 “ justice for his discharge, the chief justice
 “ would be bound to answer that, as this was
 “ a matter concerning a civil right, he must
 “ proceed by the laws of Canada, which
 “ afforded a man no relief when he was im-
 “ prisoned by the king's *lettre de cachet*.

“ It was therefore moved that a short
 “ clause to introduce the English law con-
 “ cerning the writ of Habeas Corpus for the
 “ recovery of personal liberty, should be
 “ inserted in the act. But the ministry op-
 “ posed it, and threw it out, notwithstanding
 “ they declared they had no thought of in-
 “ troducing the practice of issuing *lettres de*
 “ *cachet*. This seemed very strange to many
 “ people, because a clause of this kind was
 “ not only necessary to the honour of the
 “ crown, to fulfil, in a very important ar-
 “ ticle, the king's promise to his British sub-
 “ jects in the proclamation of October, 1763,
 “ of the enjoyment of the benefit of the
 “ laws of England, but must likewise have
 “ been agreeable to the Canadians, out of
 “ tenderness to whom this revival of the
 “ French laws in civil matters is said by the
 “ patrons of this act to have been made. For
 “ it cannot be supposed that they would be
 “ averse to so excellent a method of pro-
 “ tecting their personal liberty.

“ Further,

“ Further, it was objected in the House
 “ of Commons to the same clause concerning
 “ the revival of the French law upon all
 “ matters of property and civil rights, that it
 “ takes away the trial by jury in all those cases.
 “ And it was thereupon proposed that a clause
 “ should be inserted in the bill for preserving
 “ the trial by jury in civil matters as well as
 “ in criminal, at least upon the footing it
 “ has been upon in the Court of Common
 “ Pleas in that province ever since the esta-
 “ blishment of the civil government, of an
 “ option in either of the parties to have the
 “ cause tried by a jury, if they so thought fit.
 “ And it was alledged in support of this mo-
 “ tion, that an option to do a thing or let it
 “ alone, is generally agreeable to people, and
 “ that in the present case this option had been
 “ allowed for ten years, and found to be
 “ agreeable to the Canadians; because many
 “ of them had made use of it, in causes of
 “ considerable consequence, to obtain a jury
 “ to decide the matter in dispute, rather than
 “ leave it wholly to the determination of the
 “ judges. For it had been testified at the bar
 “ of the house by several witnesses that, in
 “ causes of that kind, the Canadians had
 “ oftener chose to have a jury than not. It was
 “ further said in behalf of this motion for an
 “ optional jury, that it was highly necessary
 “ for the satisfaction of the British inhabitants
 “ of the province, and was a most essential

“ part

“ par
 “ lan
 “ the
 “ star
 “ an
 “ the
 “ M
 “ vin
 “ the
 “ crim
 “ poin
 “ con
 “ subj
 “ will
 “ prov
 “ inha
 “ I
 “ cour
 “ Hab
 “ case
 “ leaft
 “ an
 “ wou
 “ to l
 “ act
 “ I
 “ men
 “ Car
 “ care
 “ For
 “ mar
 “ hap

“ part of those benefits of the laws of Eng-
 “ land which the king had promised to grant
 “ them by his proclamation. But, notwith-
 “ standing these arguments, (to which no
 “ answers, or very slight ones, were given,)
 “ the motion was rejected.

“ Mr. Hey, the chief justice of the pro-
 “ vince, was very instrumental in preventing
 “ the French law from being revived upon
 “ criminal matters as well as civil. In that
 “ point he has succeeded so far as to obtain a
 “ continuance of the English law upon that
 “ subject in all its extent: which, I presume,
 “ will be considered as a great service to the
 “ province, and more especially to the British
 “ inhabitants of it.

“ I am in hopes that your new legislative
 “ council will restore to you the writ of
 “ *Habeas Corpus*, and the trial by jury in civil
 “ cases, when the parties desire it, or, at
 “ least, when the judge thinks it proper, by
 “ an ordinance for that purpose. But it
 “ would certainly have been more satisfactory
 “ to have had them established by the late
 “ act of parliament.

“ I greatly suspect that this act of parlia-
 “ ment will not be agreeable even to the
 “ Canadians, when they come to examine it
 “ carefully and understand it thoroughly.
 “ For, in the article of religion, I dare say
 “ many of them will think they were full as
 “ happily circumstanced before, when they
 “ had

“ had a most compleat toleration of their
 “ manner of worship, but without a com-
 “ pulsive obligation to pay the priests their
 “ tythes, as now that this act has been so
 “ kind as to impose that obligation upon them.
 “ And with respect to civil matters, the loss
 “ of the writ of *Habeas Corpus* and of their
 “ option of having their civil contests decided
 “ by a jury or not, as they liked best, will
 “ hardly be considered by them as advantages.
 “ And in the affair of the legislative council I
 “ am persuaded they will find themselves
 “ greatly disappointed. For in a memorial
 “ which accompanied their last petition, and
 “ which, together with the petition, was laid
 “ before the House of Commons, they desire
 “ to have a legislative council rather than an
 “ assembly only for a few years, till the pro-
 “ vince shall be able to pay the taxes necessary
 “ for the support of the civil government;
 “ because they consider the province as too
 “ poor to pay those taxes at present, and they
 “ suppose that they shall be obliged to pay
 “ them as soon as an assembly is established,
 “ but not before: so that their desire of be-
 “ ing governed by a legislative council is
 “ grounded on the supposition that in that
 “ case they shall pay no taxes. But now
 “ they will find that they may be taxed,
 “ though they have no assembly. For an-
 “ other act of parliament has been passed at
 “ the same time with this, for imposing certain
 “ duties

“ dut
 “ are
 “ wil
 “ ma
 “ cou
 “ of
 “ ext
 “ cou
 “ stru
 “ pre
 “ dist
 “ agre
 “ trul
 “ hav
 “ prov
 “ mod
 “ the
 “ And
 “ som
 “ the
 “ of t
 “ bini
 “ instr
 “ tive
 “ the
 “ one
 “ dare
 “ ciall
 “ the
 “ decl
 “ to a
 “ to l

“ duties in the province ; which, though they
 “ are, I believe, very moderate and judicious,
 “ will certainly be disagreeable to them, who
 “ made that strange preference of a legislative
 “ council to an assembly merely for the sake
 “ of avoiding them. Mr. de Lotbinière is
 “ extremely displeasèd with this legislative
 “ council, and calls it a most despotick in-
 “ strument of government. He says ex-
 “ pressly that, of the two, he should less
 “ dislike an assembly of protestants only,
 “ agreeably to the king’s commission. And
 “ truly, upon the whole, I believe that would
 “ have been the best method of governing the
 “ province, while it remained of its former
 “ moderate magnitude, and even still, while
 “ the remote parts of it continue uninhabited.
 “ And I am not without hopes that, after
 “ some trial of this new legislative council,
 “ the Canadians themselves will come to be
 “ of the same opinion with Monsieur de Lot-
 “ binière, that a protestant assembly is a better
 “ instrument of government than this legisla-
 “ tive council, and that they will join with
 “ the British inhabitants in a petition to have
 “ one established. Such a petition would, I
 “ dare say, be complied with ; more espe-
 “ cially if it contained an acknowledgment of
 “ the supreme authority of parliament, and a
 “ declaration of their willingness to consent
 “ to any test that should be thought necessary
 “ to be imposèd upon the members of such

H h

“ future

“ future assembly, expressing their sense of
 “ its subordination to the authority of parlia-
 “ ment, and their readiness to obey all acts
 “ of parliament without exception or reserve.
 “ This I believe to be the only way by which
 “ you are likely to obtain the establishment of
 “ an assembly. I am informed that the pro-
 “ vince of Maryland has been governed in
 “ this manner by an assembly of protestants
 “ only, ever since its first settlement, not-
 “ withstanding the majority of the inhabi-
 “ tants have been Roman-Catholicks, and
 “ are so still, though not in so great a pro-
 “ portion as formerly. And yet no disturb-
 “ ance has happened there from the jealousy,
 “ or dissatisfaction of the Roman-Catholicks
 “ at being excluded from the assembly: but,
 “ on the contrary, they have entrusted the
 “ care of their interests to their protestant
 “ neighbours with pleasure and alacrity,
 “ knowing that the temporal interests of the
 “ protestants in the province were the same
 “ with their own, and that the protestants
 “ would be more likely, (from the less con-
 “ fined genius of their religion, their fewer
 “ fasts and holidays, less subjection to the
 “ priesthood, better education, and greater
 “ degree of knowledge,) to take good care of
 “ them than they should themselves. And,
 “ if Britons born, and the descendants of
 “ Britons born, who have never acknow-
 “ ledged any temporal sovereign but the king
 “ of

“ of England, have not thought it a hardship
 “ to be excluded from the assembly of Mary-
 “ land on account of the unhappy principles
 “ of their religion, which made them subject
 “ to the foreign jurisdiction of the bishop of
 “ Rome in spirituals, it surely ought not to
 “ be thought so by the Canadians, who were
 “ so lately the subjects of the king of France,
 “ and in arms for many years together against
 “ the crown of England. Yet the Catholicks
 “ might be permitted to elect, though not to
 “ be elected members of the assembly: and
 “ that would give them a sufficient, and a
 “ very considerable, influence in the govern-
 “ ment. I heartily wish that you may per-
 “ suade many of the Canadians to be of the
 “ same opinion with Mr. de Lotbinière upon
 “ this subject, and to join with you in ex-
 “ pressing a desire to be governed by a pro-
 “ testant assembly rather than by this legisla-
 “ tive council, and in acknowledging the
 “ supreme authority of parliament: and then,
 “ I doubt not, your request will be complied
 “ with; but not otherwise.

“ The news-papers and other prints will
 “ inform you of the particulars of the pro-
 “ ceedings of the House of Commons upon
 “ this bill; in which Mr. Mackworth, Mr.
 “ Dunning, Mr. Thomas Townshend, jun.
 “ colonel Barré, governour Johnstone, Mr.
 “ Dempster, and Mr. Edmund Burke, exerted
 “ themselves most in opposition to the bill,

“ and did procure some considerable amend-
 “ ments to be made to it. And the same
 “ papers will likewise shew you how much
 “ the bill has been disliked by the people at
 “ large, by the number of letters writ against
 “ it for the space of more than two months
 “ together. There are, however, two clauses
 “ in the bill, (besides that above-mentioned
 “ for continuing the laws of England in the
 “ province upon criminal matters,) which I
 “ presume will be agreeable to the generality
 “ of the inhabitants of the province, of both
 “ nations. These are, a clause to empower
 “ persons possessed either of land or personal
 “ estate to dispose of them as they think pro-
 “ per, by their last will and testament, and
 “ the clause which prohibits the legislative
 “ council from imposing any duties or taxes;
 “ though there they have added an exception
 “ which some persons will be apt to think too
 “ large. And the clause which revives the
 “ laws of Canada on civil matters is generally
 “ thought to be reasonable enough so far as it
 “ relates only to the tenures of land, the
 “ mode of conveying it, and the rules of
 “ dower and inheritance, (which seem ne-
 “ cessary to the family peace of the Canadi-
 “ ans,) but is blamed only for its very great
 “ extent, by means of the words, *in matters*
 “ *of property and civil rights*, by which the
 “ writ of *Habeas Corpus*, and the right of hav-
 “ ing

“ in
 “ pr
 “ ot
 “ av
 “ th
 “ ste
 “ no
 “ no
 “ sti
 “ of
 “ wa
 “ ho
 “ inf
 “ Ca
 “ spo
 “ thi
 “ pre
 “ so
 “ late
 “ her
 “ ma
 “ law
 “ hap
 “ law
 “ wo
 “ of
 “ nat
 “ tion
 “ thi
 “ pet
 “ not

“ ing a trial by jury in actions of false im-
 “ prisonment, battery, and slander, and for
 “ other injuries, are thought to be taken
 “ away, and a heap of French laws upon
 “ these and other subjects introduced in their
 “ stead, which our judges neither do know
 “ nor are likely to know, and therefore will
 “ not be well able to administer. This di-
 “ stinction was mentioned in the printed case
 “ of the merchants trading to Quebeck, which
 “ was distributed to the members of both
 “ houses of parliament, and of which I am
 “ informed some copies have been sent into
 “ Canada; and several of the gentlemen who
 “ spoke in opposition to the bill made use of
 “ this distinction in their speeches, and ex-
 “ pressed a readiness to consent to a revival of
 “ so much of the former French laws as re-
 “ lated to the tenures, conveyances and in-
 “ heritance of land: but wished that in other
 “ matters, in which the revival of the French
 “ laws did not seem to be necessary to the
 “ happiness of the Canadians, the English
 “ laws might continue to be observed, as this
 “ would gradually tend to produce an union
 “ of manners and affections between the two
 “ nations. These are the principal observa-
 “ tions that have occurred to me concerning
 “ this act of parliament and the fate of your
 “ petition for an assembly, as worthy of your
 “ notice and attention. And therefore with
 “ them

“ them I shall conclude this long, and, I fear,
“ tedious epistle. I remain, gentlemen,

“ Your most obedient and humble servant,

“ FRANCIS MASERES.”

“ P. S. I beg you would cause this letter,
“ or a copy of it, to be shewn to the com-
“ mittee of the district of Quebeck.”

This letter did not arrive in the province of Quebeck till after the protestant settlers in it, upon the general alarm spread amongst them by the receipt of the late act of parliament, had had fresh meetings together in order to consult about petitions for the repeal or amendment of it, and had even prepared and sent over to England the three following petitions to the king and the two houses of parliament for that purpose, with directions to Mr. Maseres, (whom they now formally appointed their agent,) to deliver them. These petitions were received by Mr. Maseres about the 12th or 13th of last January, 1775; and the first of them, that to the king's majesty, was delivered by him to the earl of Dartmouth, his majesty's secretary of state for America, on the 18th of the same month; and those to the
House

Houfe
some
and S
conter
to th
These

“

“ Th

“ a

“ i

“

“ T

“

“ bea

“ wh

“ tho

“ did

“ pro

“ car

“ agr

“ and

“ dou

“ cra

“ and

“ hav

“ ma

“ finc

“ fay

“ An

House of Lords and House of Commons were some time after delivered to the lord Camden and Sir George Savile, who, approving the contents of them, undertook to present them to their respective houses of parliament. These petitions are as follows.

“ To the King’s most excellent Majesty.

“ The Petition of your Majesty’s most loyal
 “ and dutiful your ancient Subjects settled
 “ in the Province of Quebeck,

“ Most humbly sheweth,

“ **T**HAT we, upon the faith of your sacred majesty’s royal proclamation,
 “ bearing date the seventh day of October,
 “ which was in the year of our Lord one
 “ thousand seven hundred and sixty-three,
 “ did come and settle ourselves in the said
 “ province, purchasing houses and lands, and
 “ carrying on extensive trade, commerce and
 “ agriculture, whereby the value of the land
 “ and wealth of its inhabitants are more than
 “ doubled; during all which time we humbly
 “ crave leave to say that we have paid a ready
 “ and dutiful obedience to government, and
 “ have lived in peace and amity with your
 “ majesty’s new subjects. Nevertheless we
 “ find, and with unutterable grief presume to
 “ say, that by a late act of parliament, intituled,
 “ *An act for the making more effectual provision*
 “ *for*

“ *for the government of the province of Quebeck*
 “ *in North-America,*” we are deprived of the
 “ franchises granted by your majesty’s royal
 “ predecessors, and by us inherited from our
 “ forefathers; that we have lost the protec-
 “ tion of the English laws, so universally
 “ admired for their wisdom and lenity, and
 “ which we have ever held in the highest
 “ veneration, and in their stead the laws of
 “ Canada are to be introduced, to which we
 “ are utter strangers, disgraceful to us as
 “ Britons, and in their consequences ruinous
 “ to our properties, as we thereby lose the
 “ invaluable privilege of trials by juries.
 “ That in matters of a criminal nature the
 “ habeas corpus act is dissolved, and we are
 “ subjected to arbitrary fines and imprison-
 “ ment at the will of the governour and
 “ council, who may at pleasure render the
 “ certainty of the criminal laws of no effect,
 “ by the great power that is granted to them
 “ of making alterations in the same.

“ We therefore most humbly implore your
 “ majesty to take our unhappy state into your
 “ royal consideration, and grant us such relief
 “ as your majesty in your royal wisdom shall
 “ think meet.

“ And your petitioners, as in duty bound,
 “ will ever pray.

“ Quebeck, 12th Nov. 1774.

Zachary

Zachary Macaulay,
 John Aitkin,
 John Paterfon,
 Randle Meredith,
 John Lees,
 John Welles,
 S. Fargues,
 Thomas Walker,
 James Price,
 John Blake,
 Isaac Todd,
 Alexander Paterfon,
 John Porteous,
 John M'Cord,
 Charles Grant,
 Robert Woolsey,
 Nicholas Bayard,
 Charles Le Marchant,
 John Painter,
 Thomas M'Cord,
 Henry Grebassa,
 Robert Willcocks,
 John Renaud,
 Christy Cramer,
 George Gregory,
 Lewis Chaperon,
 Frederick Petry,
 James Cuming,
 William Laing,
 George Jenkins,
 Francis Smith,
 Alexander Wallace,
 Richard Dobie,

Quebeck Committee
 Montreal Committee

George Meafam,
 Samuel Jacobs,
 Nicholas Brown,
 Michael Morin,
 William Kay,
 John Lilly,
 John Sunderland,
 J. Grant,
 James Morrifon,
 James Sinclair,
 John Chifholm,
 James Jeffry,
 Robert M'Fie,
 Francis Atkinson,
 David Shoobred,
 Jonas Clarke Minot,
 Godfrey King,
 John Land,
 Caleb Thorne,
 John Lees, junior,
 Robert Jackson,
 Hugh Ritchie,
 Alexander Lawfon,
 Charles Daily,
 Edward Manwaring,
 Michael Flanagan,
 J. Melvin,
 George Munro,
 James Hanna,
 Joseph Torrey,
 Thomas Walker, junior,
 James Dyer White,
 John Bell,
 Andrew M'Gill,

Samuel

Samuel Holmes,
 James Blake,
 James Noel,
 Thomas M^cMurray,
 Allan Paterfon,
 James Symington,
 Abram Holmes,
 John Neagle,
 Peter Arnoldi,
 Daniel Robertfon,
 Alexander Milmine,
 Thomas Frafer,
 A. Porteous,
 Joseph Ingo,
 Adam Scott,
 James Finlay,
 Pat. M^cClement,
 William Pantree,
 Jacob Bittez,
 Leach Smith,
 John Saul,
 Francis Anderson,
 Simon Frafer,
 John Rofs,
 John M^cCluer,
 James Woods,
 John Lees,
 Lemuel Bowles,
 Thomas Davidfon,
 Patrick O Donell,
 Archibald Lawford,
 Simon Frafer, junior,
 Richard Vincent,
 Daniel Cameron,

or,

muel

James Galbraith,
Roderick M'Leod,
John White Swift,
John Bondfield,
William Callander,
David Geddes,
Samuel Morrison,
John Thomson,
Alexander Hay,
James Doig,
Joseph Bindon,
Andrew Hays,
George Singleton,
John Stonhouse,
John Kay,
David Salesby Franks,
John Richardson, junior,
James Loach,
Ezekiel Solomons,
James Perry,
J. Beek,
Lawrence Ermatinger,
Simon M'Tavish,
J. Pullman,
James Frazer,
G. Young,
William Ashby,
Gavin Lourie,
Phill. Brickman,
Benj. Holborn,
Joseph Borrel,
John Connolly,
John Durocker,
B. Janis,

J. Joran,

J. Joran,
 Jacob Maurer,
 Simon Levy,
 Edward Chinn,
 Richard M'Neall,
 Robert Cruickshanks,
 John Comfort,
 Adam Wentzel,
 Allan M'Farlain,
 Jacob Vander Heyden,
 Hinrick Gonnerman,
 John Hare, junior,
 George Wright Knowles,
 Benjamin Frobisher,
 William Murray,
 James Anderson,
 John Trotter,
 Christopher Chron,
 William England,
 Meshach Leeng,
 Thomas Boyd,
 John Mittleberger,
 Solomon Mittleberger,
 Isaac Judah,
 Peter M'Farlane,
 James May,
 Jacob Schieffelin,
 Benaiah Gibb,
 John George Walk,
 Michael Phillips,
 C. Dumoulin,
 Francois Dumoulin,
 Duncan Cumming,

William

William Haywood,

Robert M'Cay,
James Robinson,
Jean Bernard,
Lazarus David,
P. Bouthillier,
Richard Walker,
Josiah Bleakley,
Aaron Hart,
Levy Solomons,
Alexander Frazer,
Malcolm Frazer,
John M'Cord, junior,
Henry Dunn.

“ To the Lords Spiritual and Temporal in
“ Parliament assembled.

“ The Petition of his Majesty's loyal and
“ dutiful his ancient Subjects settled in the
“ Province of Quebeck,

“ Humbly sheweth,

“ **T**HAT since the commencement of
“ civil government in this province,
“ your lordships' humble petitioners, under
“ the protection of English laws granted us
“ by his sacred majesty's royal proclamation,
“ bearing date the seventh day of October,
“ which

“ wh
“ tho
“ hav
“ pro
“ to
“ ren
“ fiti
“ inex
“ par
“ mor
“ the
“ they
“ and
“ trar
“ be t
“ a cr
“ man
“ whic
“ pow
“ pleas
“ and
“ deep
“ and
“ narr
“ In
“ unce
“ lord
“ here
“ peop
“ or a
“ tion

“ which was in the year of our Lord one
 “ thousand seven hundred and sixty-three,
 “ have been encouraged to adventure their
 “ properties in trade, estates and agriculture,
 “ to a very considerable amount, thereby
 “ rendering the province a valuable acqui-
 “ sition to Great-Britain: That, to their
 “ inexpressible grief, they find, by an act of
 “ parliament intituled, “ *An act for making*
 “ *more effectual provision for the government of*
 “ *the province of Quebeck in North-America,*”
 “ they are deprived of the habeas corpus act
 “ and trial by juries, are subjected to arbi-
 “ trary fines and imprisonment, and liable to
 “ be tried both in civil cases and matters of
 “ a criminal nature, not by known and per-
 “ manent laws, but by ordinances and edicts
 “ which the governour and council are im-
 “ powered to make void at their will and
 “ pleasure, which must render our persons
 “ and properties insecure, and has already
 “ deeply wounded the credit of the country,
 “ and confined our views in trade to very
 “ narrow limits.

“ In this cruel state of apprehension and
 “ uncertainty, we humbly implore your
 “ lordships favourable interposition, as the
 “ hereditary guardians of the rights of the
 “ people, that the said act may be repealed
 “ or amended, and that your humble peti-
 “ tioners may enjoy their constitutional rights,
 “ privileges,

“ privileges, and franchises heretofore granted
“ to all his majesty's dutiful subjects.

“ And your petitioners, as in duty bound,
“ will ever pray.

“ Quebeck, 12th Nov. 1774.”

Zachary Macaulay,
John Aitkin,
John Paterfon,
Randle Meredith,
John Lees,
John Welles,
S. Fargués,
Thomas Walker,
James Price,
Isaac Todd,
Alexander Paterfon,
John Porteous,
John M'Cord,
Charles Grant,
Robert Woolsey,
Nicholas Bayard,
Charles Le Marchant,
John Paipier,
Thomas M'Cord,
Henry Grebassa,
Robert Willcocks,
John Renaud,
Christy Cramer,
George Gregory,

Quebeck Committee
Montreal Com.

Lewis Chaperon,
 Frederick Petry,
 James Cuming,
 William Laing,
 George Jenkins,
 Francis Smith,
 Alexander Wallace,
 James Sinclair,
 John Chisholm,
 James Jeffry,
 Robert M'Fie,
 Francis Atkinson,
 David Shoolbred,
 Jonas Clarke Minot,
 Godfrey King,
 George Davison,
 George King,
 Alexander Fraser,
 Richard Dobie,
 George Meafam,
 Samuel Jacobs,
 Nicholas Brown,
 Michael Morin,
 William Kay,
 John Lilly,
 John Sunderland,
 J. Grant,
 James Morrison,
 John Thomson,
 Alexander Hay,
 James Doig,
 Joseph Torrey,
 Thomas Walker, junior,
 James Dyer White,

K k

John

anted

ound,

Quebec Committee Montreal Com.

nt,

Lewis

John Bell,
Andrew M'Gill,
Samuel Holmes,
James Blake,
James Noel,
Malcolm Frazer,
John Lynd,
Caleb Thorne,
John Lees, junior,
Robert Jackson,
Hugh Ritchie,
Alexander Lawfon,
Charles Dailey,
Edward Manwaring,
Michael Flanagan,
J. Melvin,
George Munro,
James Hanna,
William Pantree,
Jacob Bittez,
L. Smith,
John Saul,
Francis Anderson,
Simon Frazer,
John Rofs,
John M'Cluer,
James Woods,
John Lees,
Lemuel Bowles,
Thomas Davidfon,
Patrick O Donell,
Archibald Lawford,
Simon Frazer, junior,
Richard Vincent,

Daniel

Daniel Cameron,
 James Galbraith,
 Roderick M'Leod,
 John Bondfield,
 William Callander,
 Thomas M'Murray,
 Allan Paterfon,
 Abram Holmes,
 James Symington,
 Joseph Bindon,
 Andrew Hays,
 John Neagle,
 Peter Arnoldi,
 Daniel Robertfon,
 Alexander Milmine,
 Thomas Frafer,
 A. Porteous,
 Joseph Ingo,
 George Singleton,
 Adam Scott,
 John Stonhouse,
 John Kay,
 David Salesby Franks,
 John Richardfon, junior,
 James Finlay,
 Pat. M'Clement,
 James Leach,
 Ezekiel Solomons,
 James Perry,
 J. Beek,
 Lawrence Ermatinger,
 Simon M'Tavish,
 J. Pullman,
 Gavin Lourie,

G. Young,
William Ashby,
James Frazer,
Phill. Brickman,
Benj. Holborn,
Joseph Borrel,
John Connolly,
John Du Rocker,

J. Joran,
Jacob Maurer,
Simon Levy,
Richard M'Neall,
Edward Chinn,
Robert Cruickshanks,
John Comfort,
Adam Wentzel,
Allan M'Farlain,
Jacob Vander Heyden,
Hinrick Gonnerman,
John Hare, junior,
George Wright Knowles,
Benjamin Frobisher,
William Murray,
James Anderfon,
John Trotter,
Christopher Chron,
William England,
Philipp Cron,
Mefhach Leeng,
Thomas Boyd,
John Mittleberger,
P. Bouthillier,
Solomon Mittleberger,
Ifaac

Isaac Judah,
Peter M^cFarlane,
James May,
Jacob Schieffelin,
Benaiah Gibb,
John George Walk,
Michael Phillips,
C. Dumoulin,
Francois Dumoulin,
Duncan Cumming,
William Haywood,

Robert M^cCay,
James Robinfon,
Jean Bernard,
Lazarus David,
Josiah Bleakley,
Richard Walker,
Levy Solomons,
Aaron Hart,
John M^cCord, junior,
Henry Dunn.

“ To

“ To the Honourable the Commons of Great-
 “ Britain in Parliament assembled.

“ The humble Petition and Memorial of his
 “ Majesty’s ancient Subjects the Seigneurs,
 “ Freeholders, Merchants, Traders, and
 “ others settled in his Majesty’s Province
 “ of Quebeck,

“ Sheweth,

“ **T**HAT, under the sanction of his ma-
 “ jesty’s royal proclamation, bearing
 “ date the seventh day of October, in the
 “ year of our Lord one thousand seven hun-
 “ dred and sixty-three, which graciously pro-
 “ mises to all persons inhabiting in, or resort-
 “ ing to, this province, his royal protection
 “ for the enjoyment of the benefit of the
 “ laws of the realm of England, until as-
 “ semblies should be called therein, they did
 “ come and settle themselves in this province,
 “ having entrusted their own properties, as
 “ well as very considerable sums of their
 “ friends, in goods and merchandize, from
 “ Great-Britain, and entrusted the same into
 “ the hands of the Canadians, as well for the
 “ purpose of internal trade in the province,
 “ as for outsets in carrying on the traffick of
 “ furs and peltries in the Indian countries
 “ and fisheries below Quebeck, many of
 “ them having purchased lands and houses,
 “ and

“ and
 “ exp
 “ for
 “ em
 “ has
 “ en
 “ un
 “ the
 “ ma
 “ cha
 “ me
 “ abl
 “ of
 “ pri
 “ lat
 “ fish
 “ try
 “ can
 “ the
 “ a
 “ pro
 “ ha
 “ at
 “ val
 “ we
 “ yo
 “ the
 “ ma
 “ da
 “ of
 “ an
 “ he

" and been employed in agriculture, and the
 " exportation of grain and other produce to
 " foreign markets, to the great benefit and
 " emolument of the said province, which
 " has flourished chiefly by the industry and
 " enterprising spirit of the said subjects, who,
 " under the protection of British laws, and by
 " the assistance of annual supplies of British
 " manufactures, and other goods and mer-
 " chandize obtained upon credit from the
 " merchants of Great-Britain, have been en-
 " abled to carry on at least four parts in five
 " of all the imports and exports which are
 " principally made in British bottoms, the
 " latter consisting of furs, peltries, wheat,
 " fish, oil, pot-ash, lumber, and other coun-
 " try produce: and for the more convenient
 " carrying on the said trade and commerce,
 " they have built wharfs and store-houses at
 " a very great expence, insomuch that the
 " property, real and personal, now in British
 " hands, or by them entrusted to Canadians
 " at a long credit, is one half of the whole
 " value of the province, exclusive of the
 " wealth of the different communities; which
 " your petitioners have in part set forth in
 " the humble petition to his most excellent
 " majesty, dated at Quebeck the thirty-first
 " day of December, which was in the year
 " of our Lord one thousand seven hundred
 " and seventy-three; humbly praying, that
 " he would be graciously pleased to require
 " his

“ his governour or commander in chief to
 “ call a general assembly, in such manner,
 “ and of such constitution and form, as to
 “ his majesty’s royal wisdom should seem best
 “ adapted to secure the peace, welfare, and
 “ good government of this province. Where-
 “ fore with deep concern they observe, that
 “ in certain examinations taken before your
 “ honourable house, the British subjects here
 “ have been grossly abused and misrepre-
 “ sented, as well as to their numbers as in
 “ their importance in this province. For the
 “ number of the new subjects has, we hum-
 “ bly conceive, been greatly exaggerated, it
 “ being, by the last computation, about
 “ seventy-five thousand; whereas, by an
 “ enumeration of the British subjects, they
 “ amount at this time to upwards of three
 “ thousand souls, besides many that we can-
 “ not immediately ascertain that are dispersed
 “ in the Indian countries carrying on traffick
 “ with the savages, besides the merchants and
 “ traders with their families settled at Detroit
 “ and its dependencies, and at the fisheries
 “ below Quebeck. And whereas an act of
 “ parliament has lately passed, intituled,
 “ *An act for the making more effectual provision*
 “ *for the government of the province of Quebeck*
 “ *in North-America,*” which is said to have
 “ been passed upon the principles of humanity
 “ and justice, and at the pressing instance and
 “ request of the new subjects, signified to his
 “ majesty

“ ma
 “ the
 “ gov
 “ all
 “ vin
 “ stea
 “ tog
 “ of
 “ maj
 “ to i
 “ said
 “ hab
 “ ers,
 “ alar
 “ to
 “ carr
 “ feig
 “ in t
 “ und
 “ und
 “ tain
 “ his
 “ righ
 “ Corp
 “ trial
 “ vena
 “ limi
 “ to a
 “ alrea
 “ the
 “ peti
 “ arbi

“ majesty by an humble petition setting forth
 “ their dislike to the British laws and form of
 “ government, and praying, in the name of
 “ all the inhabitants and citizens of the pro-
 “ vince, to have the French institutes in their
 “ stead, and a total abolition of trials by jury,
 “ together with a capacity of holding places
 “ of honour and trust in common with his
 “ majesty’s ancient subjects. We crave leave
 “ to inform your honourable house, that the
 “ said petition was never imparted to the in-
 “ habitants in general (that is) the freehold-
 “ ers, merchants and traders, who are equally
 “ alarmed with us at the Canadian laws being
 “ to take place, but was in a secret manner
 “ carried about and signed by a few of the
 “ seigneurs, chevaliers, advocates, and others
 “ in their confidence, at the suggestions, and
 “ under the influence of their priests; who,
 “ under colour of French laws, have ob-
 “ tained an act of parliament which deprives
 “ his majesty’s ancient subjects of all their
 “ rights and franchises, destroys the Habeas
 “ Corpus act, and the inestimable privilege of
 “ trial by juries, the only security against the
 “ venality of a corrupt judge, and gives un-
 “ limited power to the governour and council
 “ to alter the criminal laws; which act has
 “ already struck a damp upon the credit of
 “ the country, and alarmed all your humble
 “ petitioners with the just apprehensions of
 “ arbitrary fines and imprisonment, and
 L I which,

“ which, if it takes place, will oblige them
 “ to quit the province, or, in the end, it
 “ must accomplish their ruin, and impoverish
 “ or hurt their generous creditors, the mer-
 “ chants in Great-Britain, &c. To prevent
 “ which, your petitioners most humbly pray
 “ that the said act may be repealed or amend-
 “ ed, and that they may have the benefit and
 “ protection of the English laws, in so far as
 “ relates to personal property; and that their
 “ liberty may be ascertained according to their
 “ ancient constitutional rights and privileges
 “ heretofore granted to all his majesty’s duti-
 “ ful subjects throughout the British empire.

“ And your petitioners, as in duty bound,
 “ will ever pray.

“ Quebeck, 12th Nov. 1774.”

Zachary Macaulay,
 John Aitkin,
 John Paterfon,
 Randle Meredith,
 John Lees,
 John Welles,
 S. Fargues,
 Thomas Walker,
 James Price,
 John Blake,
 Isaac Todd,
 Alexander Paterfon,
 John Porteous,

} Quebeck Committee
 }
 } Montreal Committee
 }
 John

John M'Cord,
 Charles Grant,
 Robert Woolsey,
 Nicholas Bayard,
 Charles Le Marchant,
 John Painter,
 Thomas M'Cord,
 Henry Grebassa,
 Robert Willcocks,
 John Renaud,
 Christy Cramer,
 George Gregory,
 Lewis Chaperon,
 Frederick Petry,
 James Cuming,
 William Laing,
 George Jenkins,
 Francis Smith,
 Alexander Wallace,
 James Sinclair,
 John Chisholm,
 James Jeffry,
 Robert M'Fie,
 Francis Atkinson,
 David Shoolbred,
 Jonas Clarke Minot,
 Godfrey King,
 George Davison,
 George King,
 John Lynd,
 Caleb Thorne,

Malcolm Frazer,

L 1 2

Alexander

hem
 , it
 erish
 ner-
 vent
 pray
 end-
 and
 ar as
 their
 their
 leges
 duti-
 ire.
 ound,

Quebeck Committee
 Montreal Committee

John

Alexander Frazer,
Richard Dobie,
George Meafam,
Samuel Jacobs,
Nicholas Brown,
Michael Morin,
William Kay,
John Lilly,
John Sunderland,
J. Grant,
James Morrison,
David Geddes,
Samuel Morrison,
John Thomson,
Alexander Hay,
James Doig,
Joseph Torrey,
James Dyer White,
John Bell,
Andrew M'Gill,
Samuel Holmes,
James Blake,
James Noel,
Thomas M'Murray,
Allan Paterson,
P. Bouthillier,
John Lees, junior,
Robert Jackson,
Hugh Ritchie,
Alexander Lawson,
Charles Dailey,
Edward Manwaring,
Michael Flanagan,
J. Melvin,

J. Melvin,
George Munro,
James Hanna,
William Pantree,
Jacob Bittez,
L. Smith,
John Saul,
Francis Anderfon,
Simon Frafer,
John Rofs,
John M'Cluer,
James Woods,
John Lees,
Lemuel Bowles,
Thomas Davidfon,
Patrick O Donell,
Archibald Lawford,
Simon Frafer, junior,
Richard Vincent,
Daniel Cameron,
James Galbraith,
Roderick M'Leod,
John White Swift,
John Bondfield,
William Callander,
Abram Holmes,
James Symington,
Joseph Bindon,
Andrew Hays,
John Neagle,
Peter Arnoldi,
Thomas Frafer,
Adam Scott,
G. Young,

Thomas

Thomas Walker, junior,
 Daniel Robertson,
 Alexander Milmine,
 A. Porteous,
 Joseph Ingo,
 George Singleton,
 John Stonhouse,
 John Kay,
 David Salesby Franks,
 John Richardson, junior,
 James Finlay,
 Pat. M'Clement,
 James Leach,
 Ezekiel Solomons,
 James Perry,
 J. Beek,
 Lawrence Ermatinger,
 Simon M'Tavish,
 James Frazer,
 J. Pullman,
 Gavin Lourie,
 William Ashby,
 Benj. Holborn,
 Joseph Borrel,
 John Connolly,
 John Du Røcker,
 B. Janis,
 J. Joran
 Jacob Maurer,
 Simon Levy,
 Richard M'Neall,
 Edward Chinn,
 Robert Cruickshanks, John

John Comfort,
 Adam Wentzel,
 Allan M'Farlain,
 Christopher Chron,
 Jacob Vander Heyden,
 Hinrick Gonnerman,
 George Wright Knowles,
 John Hare, junior,
 William Murray,
 Benjamin Frobisher,
 James Anderson,
 John Trotter,
 William England,
 Philipp Cron,
 Meshach Leeng,
 Thomas Boyd,
 John Mittleberger,
 Solomon Mittleberger,
 Isaac Judah,
 Peter M'Farlane,
 James May,
 Jacob Schieffelin,
 Benaiah Gibb,
 John George Walk,
 Michael Phillips,
 C. Dumoulin,
 Francois Dumoulin,
 Duncan Cumming,
 William Haywood,
 Robert M'Cay,
 James Robinfon,
 Jean Bernard,
 Lazarus David,

Josiah Bleakley,
 Richard Walker,
 Levy Solomons,
 Aaron Hart,
 John M^cCord, junior,
 Henry Dunn.

I have lately received from one of my correspondents in the province of Quebeck the following copy of a letter that has been circulated throughout the province to persuade the Canadians to approve the late act of parliament, and to forbear joining with the British inhabitants of the province to solicit a repeal of it. The author of it is not known, but is supposed to be one of the priests of the Roman-Catholick seminary at Quebeck, it being a known fact, as my correspondent informs me, that some of the students at that seminary were employed several days in taking copies of it, which have been dispersed over all the province. The original letter was directed to *Mr. Oly*, a French advocate, or lawyer, at Quebeck, and was delivered at the entrance of the market of the upper town of Quebeck by a young boy, on the morning of the 26th day of December, 1774. One part of it mentions a design of raising a Canadian regiment of four or five hundred men, to be commanded

comm
 vours
 as a
 letter

Copy
 in
 the
 tan

“ M

“ O

“ parle

“ cetter

“ l'intr

“ repre

“ Leun

“ sonne

“ reviv

“ enlev

“ nous

“ sons ;

“ Que

“ nière

“ feront

“ nous

“ fausse

“ pas au

“ entre

“ chet, les prisons, la guerre, les impôts, le
 “ despotisme des Gouverneurs ? — Sous cette
 “ loi à la vérité vos procès ne seront plus de-
 “ cidés par un corps de jurés, où préside
 “ souvent l’ignorance et la partialité. Mais
 “ sera-ce un mal ? La Justice Angloise, est-
 “ elle moins coûteuse ? Aimeriez-vous que
 “ vos enfans héritassent à l’Angloise, tout à
 “ l’aîné, rien aux cadets ? — Seriez-vous bien
 “ aisé qu’on vous concédât vos terres au taux
 “ de l’Angleterre ? Voudriez vous payer la
 “ dixme à dixième gerbe, comme en Angle-
 “ terre ? — La loi Françoisise, n’est-elle pas plus
 “ claire, plus simple ? — n’est-elle pas écrite
 “ dans une langue que vous entendez ? — La loi
 “ Françoisise a donc pour vous toute sorte
 “ d’avantages : et les Anglois judicieux, (tels
 “ qu’il s’en trouve un grand nombre dans la
 “ colonie,) conviennent qu’on ne pourra nous
 “ la refuser avec équité.

“ Aussi n’est-ce pas là le point qui choque
 “ d’avantage ces citoyens envieux dans les actes
 “ du parlement dont ils voudroient obtenir la
 “ révocation. Le voici, ce point, qu’ils vous
 “ cachent, mais qui se défend entre eux. L’un
 “ de ces actes non-seulement vous permet le
 “ libre exercice de la religion Catholique, mais
 “ il vous dispense de sermens qui y sont con-
 “ traire, et par-là il vous ouvre une porte
 “ aux emplois et aux charges de la province.
 “ Voilà ce qui les révolte ! voilà ce qui les
 “ fait dire dans les papiers publics, “ *Que c’est*
 “ un

“ un acte détestable, abominable, qui autorise une
 “ religion sanguinaire, qui répand par tout l'im-
 “ piété, les meurtres, la rebellion.” Ces ex-
 “ pression violentes nous marquent leur ca-
 “ ractère, et le chagrin qu'ils ont de n'avoir
 “ point une assemblée, dont ils se proposoient
 “ de vous exclurre en exigeant de vous des
 “ serments que votre religion ne vous auroit
 “ pas permis de prêter, comme ils ont fait à
 “ la Grenade.

“ Par ce moyen ils se feroient vûs seuls
 “ maîtres de régler tous vos interêts, civils,
 “ politiques et religieux. Vous pouvez vous
 “ instruire de leurs desseins en lisant les
 “ adresses qu'ils ont envoyées à Londres. Ils y
 “ représentent au roy, “ Que les sujets pro-
 “ téstants sont en assez grand nombre en cette
 “ province pour y établir une assemblée.” Ce
 “ mot nous les démasque. Une poignée d'hom-
 “ mes, que le commerce avantageux qu'ils
 “ ont fait avec nous vient, pour la plupart, de
 “ tirer de la poussière, veulent devenir nos
 “ maîtres et vous réduire à l'esclavage le plus
 “ dur. Je le répète. Je ne parle que des
 “ Anglois du committé de Montréal et de
 “ quelques marchands de Québec qui deman-
 “ dent la révocation de cet acte. Il faut que
 “ ces gens-là nous croyent bien bouchés et
 “ bien aveugles sur nos propres intéréts, pour
 “ nous proposer de nous opposer à un acte,
 “ que nous avions demandé; qui a coûté bien
 “ des soins et des sollicitations aux personnes

M m 2

“ respectables

“ respectables qui s'étoient chargées de nos
 “ intérêts; qui nous a été octroyé par nôtre
 “ très gracieux Souverain comme une marque
 “ de bienveillance toute particulière; qui a
 “ été reçu de notre part avec les marques de
 “ la joye la plus vive et la plus grande recon-
 “ noissance, ayant tous signé, il y a peu de
 “ jours, une adresse à sa Majesté pour lui en
 “ faire nos remercimens. Ne seroit-ce pas nous
 “ rendre ridicules que de nous déclarer contre
 “ un acte qui nous accorde ce que nous deman-
 “ dions, le libre exercice de nôtre religion,
 “ l'usage de nos anciennes loix, l'extension des
 “ limites de nôtre province? — Nos prétendus
 “ amis n'en ont tant d'horreur que parce-qu'ils
 “ trouvent qu'il nous est trop favorable.

“ Il est vrai que ces actes établissent un
 “ impôt sur les boissons. Mais n'y en avoit-il
 “ pas du tems des François? — N'est-il pas
 “ juste que nous contribuions aux dépenses et
 “ aux charges de la province? — Cette taxe,
 “ n'est-elle pas modérée, et assise sur les objets
 “ les moins nécessaires à la vie?

“ Ouvrez dont les yeux, chers Canadiens,
 “ qui pouvez-vous être laissés séduire par des
 “ ennemis qui veulent vous engager à servir la
 “ haine qu'ils vous portent, et à vous faire
 “ perdre l'affection de vôtre Souverain.

“ J'oublois une de leurs objections. On
 “ parle de la levée d'un régiment Canadiens.
 “ On se sert de cette circonstance pour vous
 “ dire qu'on vous forcera à vous enrôler et à
 “ aller

“ ab
 “ fa
 “ fa
 “ m
 “ gi
 “ ho
 “ na
 “ tit
 “ jai
 “ m
 “ vo
 “ ch

L'
 Mon
 sur la
 par u
 à ma

Tra

“ S
 “ S
 “ fati
 “ reg
 “ Th
 “ viv
 “ you
 “ cm

“ aller faire la guerre au loin : et, d’un bien-
 “ fait qu’on a sollicité pour vous, on vous en
 “ fait un objet de terreur. Seroit-ce donc un
 “ malheur pour la colonie s’il y avoit un ré-
 “ giment Canadien de quatre à cinq cens
 “ hommes, dont tous les officiers seroient Ca-
 “ nadiens ? Cela, ne rendroit-il pas à quan-
 “ tité de familles respectables un lustre qui re-
 “ jailliroit sur toute la colonie ? — On augure
 “ mal de votre courage, puisqu’on cherche à
 “ vous effrayer par là. Il me reste bien des
 “ choses à dire : mais je ferois trop long.

“ Le Canadien Patriote.”

L’original de cette lettre étoit à l’adresse de
 Monsieur Olry, avocat de Québec, et à lui remis
 sur la marche du marché de la haute ville
 par un jeune enfant le 26 Décembre, 1774,
 à matin.

Translation of the foregoing Letter.

“ S I R,

“ **S**OME English inhabitants of this pro-
 “ vince are taking pains to make us dis-
 “ satisfied with the late acts of parliament for
 “ regulating the government of this province.
 “ They particularly declaim against the re-
 “ vival of the French law, which, they tell
 “ you, is favourable to arbitrary power. Their
 “ emissaries are continually giving out a-
 “ mongst

“ Amongst ignorant people, That we are going
 “ to have letters *de cachet* brought into use
 “ again;---That we shall have our property
 “ taken from us against our will;---That we
 “ shall be hurried away by force to war and
 “ to prison;---that we shall be ruined by
 “ taxes;---That justice will be administered
 “ amongst us in an arbitrary manner;---That
 “ our governours will be our absolute mas-
 “ ters;---and that the laws of England would
 “ have been much more for our advantage.
 “ But the falshood of all these charges is as
 “ plain as day-light. For what have the
 “ French laws to do with letters *de cachet*,
 “ the being hurried by force to prison or to
 “ war, the being taxed, or the absolute
 “ power of the governour?---It is true indeed
 “ that according to these laws your law-suits
 “ will no longer be decided by a body of
 “ jurymen, which is a tribunal in which we
 “ have often seen ignorance and partiality
 “ preside. But will that be a misfortune to
 “ us?--And is the English law less expensive to
 “ the suitors than the French?---And should
 “ ye like to have your children inherit your
 “ lands according to the English law, that is,
 “ all to the eldest son, and nothing to any of
 “ the others?---And should ye like to have
 “ your lands granted to you at the high rate
 “ of the English law?---And should ye like
 “ to pay your tythes according to the English
 “ rate, that is, every tenth sheaf of corn?---
 “ And

“ Ar
 “ an
 “ in
 “ Su
 “ eve
 “ En
 “ (of
 “ tha
 “ ful
 “ A
 “ Fre
 “ giv
 “ fen
 “ the
 “ pea
 “ the
 “ mai
 “ selv
 “ allo
 “ Cat
 “ and
 “ for
 “ that
 “ certa
 “ that
 “ you
 “ in t
 “ shoc
 “ decl
 “ the J
 “ abom
 “ gion,

“ And is not the French law much clearer
 “ and plainer than the English, and written
 “ in a language which you understand?---
 “ Surely the French law is better for you in
 “ every view : and the judicious part of our
 “ English fellow-subjects in the province,
 “ (of whom there is a great number) agree
 “ that the enjoyment of it could not be re-
 “ fused us without injustice.

“ And accordingly the allowance of the
 “ French laws amongst us is not the part that
 “ gives our envious fellow-subjects most of-
 “ fence in the acts of parliament of which
 “ they are endeavouring to procure the re-
 “ peal. It is another part of those acts, which
 “ they never speak to you of, but which they
 “ maintain their dislike of amongst them-
 “ selves. It is this. One of these not only
 “ allows you the free exercise of the Roman-
 “ Catholick religion, but it goes further,
 “ and releases you from the necessity of taking
 “ for any purpose whatsoever certain oaths
 “ that were before required by the laws in
 “ certain cases, and which were contrary to
 “ that religion ; and it thereby lays open to
 “ you all the employments and places of trust
 “ in the province. This is the thing that
 “ shocks these Englishmen, and makes them
 “ declare in the publick news-papers *that*
 “ *the said act of parliament is a detestable and*
 “ *abominable act, that authorises a bloody reli-*
 “ *gion, which spreads around it, wherever it is*
 “ *propagated,*

“ *propagated, impiety, murders, and rebellion.*
 “ These violent expressions point out to us their
 “ true character, and shew us how deeply
 “ they have been mortified at not having been
 “ able to obtain an assembly, from which
 “ they had proposed to exclude you by re-
 “ quiring you to take certain oaths that were
 “ contrary to your religion, in order to your
 “ admission into it, as their countrymen have
 “ done in Grenada. By this means they
 “ would have been in possession of the full
 “ power of regulating all your concerns of
 “ every kind, civil, political, and religious,
 “ in the manner they should have thought fit.
 “ You may perceive that this was their design
 “ by only reading the petition they sent to
 “ London. They there represent to the king
 “ *That his majesty's protestant subjects in the pro-*
 “ *vince are sufficiently numerous to make it con-*
 “ *venient to summon an assembly.* This ex-
 “ pression shews them in their true colours.
 “ A handful of men, whom a beneficial trade
 “ which they have carried on amongst us,
 “ has just raised from the dirt, for the most
 “ part, would fain become our masters, and
 “ reduce you to the most miserable slavery; I
 “ repeat it. I speak, however, only of the
 “ committee of Montreal and of a few mer-
 “ chants at Quebeck who wish to have the
 “ late act repealed. Those people must surely
 “ take us to be wonderfully stupid, and to-
 “ tally blind to our own interest, that they
 “ venture

“ ven
 “ con
 “ we
 “ col
 “ tak
 “ pai
 “ for
 “ our
 “ his
 “ has
 “ dem
 “ grat
 “ day
 “ to
 “ not
 “ we v
 “ whic
 “ fired
 “ the
 “ tensi
 “ Tho
 “ frien
 “ renc
 “ favou
 “ It
 “ certa
 “ not t
 “ the
 “ reason
 “ thing
 “ provin
 “ by th

“ venture to request us to join with them in
 “ complaining of an act of parliament which
 “ we had lately petitioned for ;---which has
 “ cost the respectable persons who had under-
 “ taken the protection of our interest, so much
 “ pains and so much sollicitation to obtain
 “ for us ;---which has been granted to us by
 “ our most gracious sovereign as a mark of
 “ his peculiar kindness towards us ; and which
 “ has been received on our part with all the
 “ demonstrations of the most lively joy and
 “ gratitude, we having, all of us, but a few
 “ days since, signed an address to his majesty
 “ to thank him for passing it. Should we
 “ not make ourselves perfectly ridiculous, if
 “ we were now to express a dislike of an act
 “ which grants us every thing we had de-
 “ sired,---the free exercise of our religion,---
 “ the use of our ancient laws,---and the ex-
 “ tension of the boundaries of our province ?
 “ Those who pretend to be so much our
 “ friends have conceived so great an abhor-
 “ rence of this act only because they think it
 “ favours us too much.

“ It is true indeed that these acts do impose
 “ certain taxes on liquors. But were there
 “ not taxes of the same kind in the time of
 “ the French government ? And is it not
 “ reasonable that we should contribute some-
 “ thing towards the publick expences of the
 “ province ? And are not the taxes imposed
 “ by this act moderate in their quantity, and

“ laid upon such articles as are least necessary
 “ to our subsistence ?

“ I beseech you therefore, my dear coun-
 “ trymen, to open your eyes upon this sub-
 “ ject; I mean such of you as may have been
 “ deceived by the artful misrepresentations of
 “ those who are really your enemies, and who
 “ are now endeavouring to make you act in
 “ such a manner as to become yourselves the
 “ instruments of gratifying that hatred they
 “ bear you, and thereby to lose the affection
 “ of your sovereign.

“ I had almost forgot to mention one of
 “ their subjects of complaint. It has been
 “ reported that a Canadian regiment is to be
 “ raised. This circumstance they lay hold
 “ of to spread an alarm amongst you, by
 “ telling you that you will be forced to list
 “ yourselves for soldiers in this regiment, and
 “ go to war in distant countries; thus con-
 “ verting what has been solicited for you as
 “ a favour and benefit, into an object of ter-
 “ rour. But surely you can never be made
 “ to think that it would be a misfortune to
 “ the province to have a regiment of Canadi-
 “ ans raised in it, that should be commanded
 “ intirely by Canadian officers. Would not
 “ such a measure restore a number of re-
 “ spectable families in the province to a degree
 “ of splendor which would reflect an honour
 “ upon the whole colony? The persons who
 “ try to frighten you by dwelling upon this
 “ topick

“ t
 “ o
 “
 “ le
 “ to

T
 Mr.
 liver
 place
 youn

TH
 the f
 In
 the E
 totally
 law
de cack
 perfor
 for so
 trary
 the ab
 the F
 which
 submi
 both i
 was fo
 nada,
 nection

“ topick muſt ſurely have but a mean opinion
 “ of your courage.

“ I could add many other things to this
 “ letter, if I were not afraid of making it
 “ too long.

“ The Patriot Canadian.”

The original of this letter was directed to Mr. Olry, advocate at Quebeck, and was delivered to him upon the ſteps of the market-place in the upper town of Quebeck by a young boy on the 26th day of December, 1774.

The foregoing letter naturally ſuggeſts to us the following remarks.

In the firſt place the letter-writer ſays that the Britiſh inhabitants of the province are totally miſtaken in ſuppoſing that the French law has any connection either with letters *de cachet*, or arbitrary invaſions of property by perſons in power, or the being forced to liſt for ſoldiers and go to war, or with an arbitrary manner of adminiſtering juſtice, or with the abſolute power of governours. Now, if the French law means that ſyſtem of law which is commonly praſticed, and univerſally ſubmitted to, and acquieſced in, by the people both in France and the French colonies, and was formerly uſed in the ſame manner in Canada, it is certain that it has a very cloſe connection with all theſe things. For letters *de*

cacbet are frequently used in all the French dominions without any opposition whatsoever on the part of the people, or any imagination that any remedy can be had against them by an application to any court of justice. And it is certain that under the French government in Canada the peasants were forced to engage in the militia as soldiers whether they would or no, and to march to very distant places, such as Acadia, or Nova Scotia, and Fort Du Quesne near the river Ohio, many hundreds of miles from their homes, to make war upon the English or the Indians.

And with respect to the administration of justice, it must certainly be much more arbitrary, or dependent on the pleasure of persons in power, under the methods prescribed by the French law, than it is under the law of England, which directs that the truth of the facts in litigation between the parties (upon which the whole merits of ninety-nine causes out of an hundred depend,) shall be determined by a jury. For, as the judges of the courts of justice are certain fixed persons who under the French law are known by the contending parties to have the power of deciding their causes, they are liable to be applied to and solicited by them beforehand by every means direct and indirect, to determine the matter in their favour: whereas a jury, being a sudden and occasional tribunal erected for the decision of the controverted facts in every particular

tic
be
ch
de
ap
An
cha
rea
of
imp
roo
like
per
fo t
inca
befo
chof
cont
perso
cause
much
or ac
tions
than
whol
the F
only r
the cr
and o
of a l
obliga
prom

ticular cause, consists of persons who cannot be known by the parties beforehand in the character of persons who are impowered to decide their causes, and therefore cannot be applied to and solicited upon that account. And besides, as the parties have a right to challenge those jurymen whom they have reasonable cause to suspect of a bias in favour of their adversaries, and to cause other more impartial persons to be substituted in their room, the jury that actually tries the cause is likely to consist of as unbiassed and impartial persons as can well be found for the purpose: so that on both these accounts, to wit, the incapacity of being applied to and solicited before-hand by the parties, and the being chosen, as it were, by the consent of the two contending parties by the removal of all those persons whom either of them has any just cause of suspecting of partiality, a jury is much less likely to decide a cause arbitrarily, or according to their own wishes and inclinations without regard to truth or evidence, than a court of judges only, in whom the whole power of deciding them is vested by the French law. And lastly, a court of judges only must always have a leaning in favour of the crown and the governour of the province, and other such powerful persons, against suitors of a lower rank, not only by reason of the obligations they lie under to them for their promotion to their offices, and their dependance

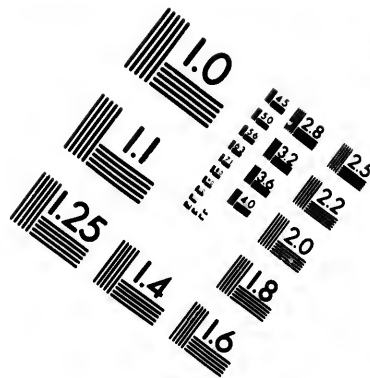
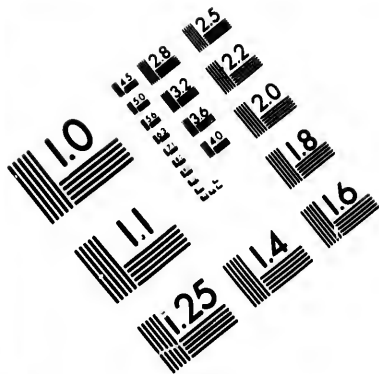
ance on them for their continuance in the possession of them, but also on account of their daily and friendly intercourse with those men of superiour station, and the private attachments which that intercourse must necessarily give rise to. It may therefore be justly apprehended that justice will be more arbitrarily administered than it has been hitherto in consequence of the revival of the French law in civil matters by the late act of parliament, unless the trial by jury is continued in the province either by an ordinance of the provincial legislature or by an act of parliament.

And, as to the power of the governour, it is evident that the British inhabitants of the province have just cause to say that this act of parliament makes that power very great, since it gives him, in conjunction with a legislative council consisting of 23 persons, recommended for the most part by himself, (of whom a great part hold places of profit under the crown, and who, for aught that the act provides to the contrary, may be made removeable or suspendible at his will and pleasure, and who, in short, are no way calculated to be a check and controul upon him, but are very dependent on him,) the power of making laws to bind the province.

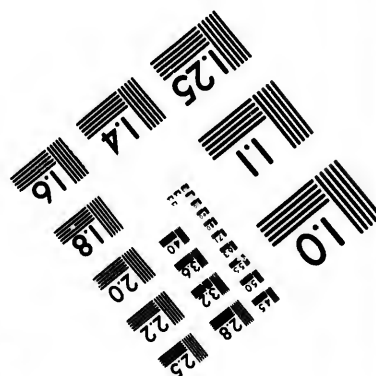
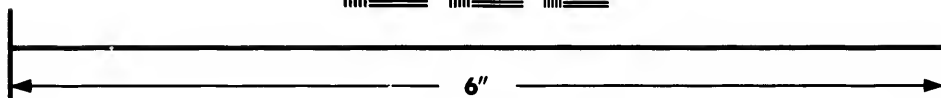
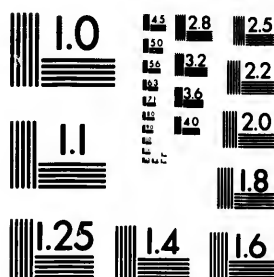
The writer of the foregoing French letter, when he asserts that the French law has nothing to do with letters *de cachet*, and listing soldiers against their will into the army or militia,

militia, and the like, seems to confine the sense of the words "French law" to the custom of Paris, which was the common law of Canada in the time of the French government, and which, I believe, does not mention any of these particulars. But the words of the late act of parliament are much more extensive. They are not, that in all matters of property and civil rights resort shall be had to the custom of Paris, but to the *laws of Canada*, and that all causes, that shall hereafter be instituted concerning those subjects, shall be determined according to *the laws and customs of Canada*; which words seem to take in every sort of customary practice used in the time of the French government by persons in authority, and recognized and acquiesced in by the people and the courts of justice, as things against which no legal remedy was to be had. At least there is room to apprehend that these words may one time or other be so interpreted; and consequently the British inhabitants of the province are well-grounded in expressing an apprehension that these consequences may follow from them. The essence of the French law I have understood to be contained in these eight significant monosyllables, *Si veut le roi, si veut la loi*; That which the king wills the law ordains. If it is his pleasure that a man should be imprisoned in a particular castle, or fortress, or monastery, for any length of time, he signs his letter *de cachet*
for





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

18
20
22
25
28
32
36
40

10
11
12
13
14
15
16
17

for the purpose, and the man is taken up and carried to the place of his confinement by a cornet of horse with a proper number of troopers to support him: and nobody thinks of applying to the courts of justice to procure his release; nor does he himself ever venture to bring an action of false imprisonment against the persons who executed the letter *de cachet* against him, or against the governour of the castle or fortress who has detained him in custody. In like manner if the king chuses to banish a man to a particular part of France, he sends an order to him to repair thither, and is instantly obeyed. This we have seen done repeatedly, not to one man, but to the whole parliament of Paris. These therefore are practices that are warranted by the French law, as it is now understood and practised, though they are not set down in the custom of Paris, or perhaps in other French books of municipal law; but they are virtually contained in the short, fundamental, maxim above-mentioned. I know that some French gentlemen are apt to contend that all these proceedings are not agreeable to the French law, but are really breaches of it committed by the power of the crown which is too great to be resisted. But others of them ingenuously confess that the foregoing short maxim concerning the king's supreme power of altering, or superseding, the ordinary laws of the country, is a fundamental maxim of their government.

m
F
th
th
re
te
lat
th
fer
is
tho
exc
the
for
cou
the
(ho
the
WI
En
aga
wit
corp
his
secr
wh
cov
suf
con
by
Eng

ment. And the constant practice of the French kings, and the universal submission of the people of France to the several exercises of these high powers, not only without actually resisting them, but without so much as pretending that they are illegal, shews that the latter speak according to the truth. Indeed the whole difference between these two representations of the French laws and government is little more than a verbal distinction; since those who represent these high acts of power, exercised by the French kings, as breaches of the laws instead of legal practices, yet are forced to confess at the same time that the courts of justice afford no remedies against them, which is, in substance, confessing (however they may deny it in words,) that they are not considered as contrary to law. When acts of this nature are committed in England, the law affords proper remedies against them. The person who is imprisoned without legal cause has his writ of *habeas corpus* to procure his immediate release, and his action of false imprisonment against the secretary of state, or other wrong-doer, by whose means he has been imprisoned, to recover a compensation for the damage he has sustained by his imprisonment, whether it has continued a long or a short time. And, if, by substituting the French law instead of the English law in all cases of property and civil rights,

rights, these remedies for injuries of this kind are taken away, (as there seems to be much reason to apprehend they are,) the British inhabitants of the province are well warranted in saying that by this revival of the French law these high acts of power are again rendered practicable in the province in the same manner as in the time of the French government.

The writer of the foregoing letter proceeds next to pass a censure on the English method of trial by jury, and says a jury is a tribunal in which ignorance and partiality often preside. I have already mentioned some of the great advantages of the trial by jury, and amongst them, the probability of obtaining a more impartial decision of the cause by that trial than from a bench of judges only. And, as to the other thing here objected to juries, namely, their ignorance, I must observe that, if by ignorance the letter-writer means ignorance of the law, (as I presume he does) it is no just objection to the use of juries, because their business is not to decide points of law, but only to determine the facts that are contested in the cause, and thereby to enable the learned judges to pronounce the law upon the matter which results from the true state of the facts. And for this duty of determining the facts of a cause no learning in the law is requisite; but good sense and honesty and impartiality, with the assistance of the counsel in examining
the

t.
th
ti

p
ar
fa
su
tu
wi
no
ob
wi
ma
req
Ca
app
of
(by
by
they
dec
best
whe
sequ
sole
choi
jury
have
their
will

the witnesses, and the judges in summing up the evidence and making pertinent observations on it, are very sufficient qualifications.

I know the Canadians are apt to mistake the province of a jury, and to suppose that they are called to decide the law as well as the facts of the causes they try. And upon this supposition they sometimes object to the institution. And this I suppose to be the case with the writer of the foregoing letter. But, notwithstanding this mistaken opinion and the objection to juries resulting from it, together with another objection which they have often made to them on account of the unanimity required of them in giving their verdict, the Canadians may, upon the whole, be said to approve the institution; because, in the courts of Common-pleas in the province, in which (by the great ordinance of September, 1764, by which the courts of justice were erected,) they have been at liberty to have their causes decided with or without a jury as they liked best, they have usually chosen to have a jury, when the cause has been of considerable consequence, rather than leave the matter to the sole decision of the judges. This constant choice which they have made of the trial by jury for ten years together, when they might have done without one, is a decisive proof of their sentiments upon this subject. They will therefore probably say, in answer to the

letter-writer's question, "Whether the suppression of the trial by jury by the late act will be a misfortune to the province," that they do conceive it to be a great misfortune to be deprived of the liberty of having a jury whenever they should desire it, which they have hitherto enjoyed ever since the year 1764, and have so often thought fit to make use of.

The letter-writer in the next place proceeds to object to other parts of the law of England, which he represents as likely to take place in the province if the late act of parliament should be repealed, and as being very oppressive and disagreeable to the Canadians.

The first thing he objects to is the expensiveness of the English law.

This is an idle objection, because the expence of law-suits does not depend upon the law which is established as the rule of decision in litigations, but on the method of carrying on the suit: and this has been already for many years past in the courts of Common-pleas (in which courts the greatest part of the civil business of the province has been carried on,) the same that was in use in the time of the French government; at least so far as the French lawyers in Canada are acquainted with it. For, by the great ordinance of September, 1764, by which the courts of justice were erected, Canadian lawyers, proctors, and advocates, were permitted to practice in the
court

court of Common-pleas : and they have accordingly practised in it ever since in their own forms and in the French language, and, in short, in the method they liked best. And consequently no diminution of the expence of law-suits in that court can be produced by the revival of the French law in civil matters enacted by the late act of parliament, nor could any increase of expence be occasioned by a second establishment of the English law instead of the French in those cases, in consequence of a repeal of the late act. And this the letter-writer probably knew very well, but meant only to alarm the Canadians with a pretended danger of this kind, in order to prevent their listening to the representations of their British fellow-subjects in favour of the English law.

I believe the expence of law-suits in the province is already reduced as low as it well can be, the whole expence of conducting an ordinary cause from beginning to end in the court of Common-pleas being, as I have been well assured, only twenty shillings of Halifax currency, or eighteen shillings sterling.

The next thing the letter-writer objects to in the English law is the inheritance of land by primogeniture, which he represents as likely to be the consequence of a revival of the English law by a repeal of the late act.

In answer to this objection I need only observe (what I can hardly suppose the letter-writer

writer himself to have been ignorant of,) that the British inhabitants of the province, in all their declarations concerning the necessity of introducing the English laws into the province, have constantly expressed a willingness that the general introduction of those laws, which they so much insist on, should be accompanied with an exception of the laws relating to the tenure of land, the manner of conveying and settling it, and the transmission of it to new possessors by dower and inheritance, unless the Canadians themselves desired to have the English laws upon those subjects. Therefore the Canadians might safely join with their British fellow-subjects in the province in requesting the repeal of the late act of parliament and the revival of the English law in the province, as far as those British inhabitants were desirous of having it revived, without any danger of having their laws of inheritance by partition converted into the English law of inheritance by primogeniture. I might add that the English law, which establishes the inheritance of land by primogeniture, establishes likewise the power of devising land in any manner that the testator thinks fit, which would put it in the power of every Canadian, who disapproved the English law of inheritance, to avoid its operation, in case it had been introduced into the province: and I might mention likewise the inconveniences, which have been severely
and

and generally felt by the Canadians, arising from the too great subdivision of their lands by repeated partitions upon inheritance, of which they have themselves complained, and which the French king had endeavoured to remedy by an edict in the year 1745 : I might mention both these circumstances as reasons why the Canadians need not be much alarmed if the English law of inheritance had been expressly introduced into the province amongst the other laws of England. But these considerations are unnecessary, since the British inhabitants of the province, who desire to have the laws of England established in it, are willing to consent to the above-mentioned very copious exception concerning landed property.

In the next place the letter-writer endeavours to frighten the Canadians from joining with the British inhabitants in petitioning for the English laws, by making them believe that, if those laws were to take place, they would be forced to pay tythes to their priests after the English rate of the tenth part of the corn in the sheaf, instead of paying them according to the rate formerly established in Canada, and revived by the late act, of the twenty-sixth bushel of their corn threshed out.

In answer to this I shall only observe, that the British inhabitants of the province were so far from wishing to make the Canadians pay the

the tenth sheaf of their corn to their priests by way of tythes, instead of the twenty-sixth bushel, that they wished them to continue under the exemption they have hitherto enjoyed ever since the capitulation in 1760 from all legal obligation to pay any tythes at all, and are very much surprized and displeas'd at the revival of this legal obligation by the late act of parliament, which they consider as a parliamentary establishment of popery in that province, that is by no means intitled to their approbation.

The letter-writer objects also to the high rents reserved upon grants of land according to the English law, and asks the Canadians whether they should like to take up lands at those high rents.---What the writer means by these high rents, I do not very well know. But whatever it may be, it cannot justly be objected to *that* introduction of the English law which the British inhabitants of the province wish to obtain, because they are willing to consent, as has been before observed, that all the laws relating to the tenure as well as the inheritance of lands should continue upon the antient footing of the French laws.

It appears therefore that these three things, to wit, the English law of inheritance by primogeniture, the English law concerning the quantity of the tythes to be paid to parish-priests, and the English law concerning the
rents

rents to be reserved upon grants of land (which are the only things which the author of this letter objects to in the system of the English laws, as likely to be disagreeable to the Canadians,) are not any part of those laws of England which the British inhabitants of the province are desirous to see established in it: and consequently they ought not, by a writer of candour, to have been represented to the Canadians as being likely to happen from the success of any endeavours which might be used by the said British inhabitants to procure a re-establishment of the laws of England in the province. But candour does not seem to be this writer's favourite virtue.

From the omission of the writer of the foregoing letter to mention any other objections to the English law than those which we have here examined, notwithstanding he was using his utmost endeavours to represent that law in a light that would be disagreeable to the Canadians, I derive a confirmation of an opinion which I have long entertained and often declared upon this subject, which is, that the English law might have been introduced into the province of Quebeck with respect to civil as well as criminal matters, with the exception above-mentioned concerning landed property and a continuation of the exemption from the legal obligation of paying tythes to the priests which had been established by Sir Jeffery

Amherst, without giving any disgust to the general body of the Canadians. And therefore I cannot but lament that the whole of it in civil matters has been repealed by the late act of parliament, and the whole French laws upon those subjects re-established in its stead.

The writer of the foregoing French letter in the next place accuses the British inhabitants of the province of a desire to exclude them on account of their religion from sitting in the assembly of the province which they petitioned the king's majesty to establish. And as a proof of this intention in the said British inhabitants, he affirms that they set forth in their petition to the king, "That there is now a sufficient number of protestant subjects of his majesty in the said province to make it convenient to establish an assembly in it."

In answer to this accusation it is only necessary to refer the reader to the petition of the said British inhabitants to the king for an assembly, which is printed herein above, in pages 17, 18, 19, where he will find that the petition contains no such passage. On the contrary, the concluding paragraph of that petition, which contains the prayer of it, plainly declares a willingness in those British inhabitants to acquiesce in the establishment of an assembly into which Roman-Catholics should

should be admitted, if his majesty, in his royal wisdom, should think fit to establish such an one. This paragraph, (which is the most material part of the petition,) is as follows. "Your majesty's petitioners, being fully convinced, from their residence in the province, and their experience in the affairs of it, that a general assembly would very much contribute to encourage and promote industry, agriculture, and commerce, and (as they hope,) to create harmony and good understanding between your majesty's new and old subjects; most humbly supplicate your majesty to take the premises into your royal consideration, and to direct your majesty's governour, or commander in chief, to call a general assembly; *in such manner, and of such constitution and form, as to your majesty, in your royal wisdom, shall seem best adapted to secure its peace, welfare, and good government.*"

It seems probable that the writer of the foregoing French letter took the passage he cites in it from some former petition of the British inhabitants of the province to the king for a house of assembly, presented some years since. But if so, he should not have represented it as making a part of their last petition in December, 1774, and as a proof of their intention at that time to exclude the Roman-Catholicks from the assembly.

And

And it must be observed that he could hardly be ignorant of the contents of that last petition, because we have seen above in the beginning of this tract, that the British inhabitants of the province proceeded openly and fairly with their Canadian fellow-subjects, and communicated to them their resolution of petitioning for an assembly, and solicited them to join with them in doing so: whereas the French petition above-mentioned in pages 112, 113, and 114, was handed about in the most secret manner possible, and cautiously kept from the sight of the British inhabitants of the province, and even from that of all such persons amongst the Canadians themselves as were not solicited to sign it.

The writer of the foregoing French letter in the next place mentions the duties on spirituous liquors imposed by one of the acts of parliament passed last summer, and endeavours to reconcile the Canadians to them. What he says upon this subject seems to be perfectly reasonable. It is just that the people of Canada should pay some taxes towards the support of the government of their province. And those which are imposed by that act of parliament I believe to be both judicious and moderate. And I do not hear that any of the inhabitants of the province, either British or Canadian, have made any complaints against them.

In

In the last place the letter-writer mentions a design of raising a Canadian regiment of four or five hundred men, to be commanded by Canadian officers: and he endeavours to represent this measure as an advantage to the Canadian peasants by means of the honour it will reflect upon them by raising some of their gentry to a degree of splendour in the province. He does not say whether he supposes the Canadians are to be pressed into this service, or only to be invited to enter into it from such motives as he suggests, of raising some of their gentry to stations of honour. I suppose he means the latter; because in the first part of the letter he has denied that there is any connection between the revival of the French law and the power of pressing men for soldiers. And if he does mean only a voluntary service, I trust that the Canadian peasants, (who all either are or may be freeholders with a hundred acres of land a-piece,) are already too well acquainted with the advantages of living quietly upon their own estates and cultivating them with industry, and reaping the full fruits of their labour by selling their corn for great prices to the English merchants who export it, (as they have done now for these ten years past under the protection of the English law,) to chuse to exchange them for the hard and unprofitable condition of a soldier and the office of being led to fight with their fellow-subjects

subjects in the Massachuset's Bay and Connec-
ticut, only for the sake of raising some of
their decayed gentry to stations of honour.
I am much deceived, if motives of this kind
will induce many of them to enlist in this
intended regiment, if, after all, such a mea-
sure is really intended; which appears to me
so very strange, that I shall hardly be brought
to believe it can be intended till I know it to
be actually done.

F I N I S



Bay and Connec-
raising some of
ons of honour.
ves of this kind
o enlist in this
l, such a mea-
appears to me
rdly be brought
ill I know it to



