JUSTIFICATION OF THE QUEBEC ACT

WILLIAM KNOX

1774

This pamphlet was written by William Knox (1732-1810)
British Undersecretary of State for American affairs 1770-1782
Tremaine lists only one copy in the Toronto Public Library
& one in John Carter Brown Library Rhode Island

My edition is the second edition & lacks the half-title

There are three variants of this work:

BM - mentions only a 90 page edition
(*270.K77.2)
LC - mentions only a 32 page edition
(*270.K77)
Sabin - mentions both the 32 and 90 page editions
TPL mentions only the 90 page edition

The Lande copy has 87 pages, and appears to be a complete separate issue. As the above information indicates, it appears to be mentioned nowhere else but in Lande.

There is a section in the 90 pp. edition, pages 74-77, 'To the King's most excellent ... ', which is not in the Lande copy. In the latter, p. 74 is unnumbered & blank, & page 75 begins, 'An act for making... '. This text does not begin until page 78 in the 90 page edition.

R. Haddad
18/June/68

THE JUSTICE AND POLICY OF THE LATE ACT OF PARLIAMENT, FOR *Making more Effectual Provision for the Government of the Province of* QUEBEC, ASSERTED AND PROVED; AND THE CONDUCT OF ADMINISTRATION RESPECTING THAT PROVINCE, STATED AND VINDICATED.

LONDON:

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ERRATA.

Page 8, line 13, for *Signeuries*, read *Seigneuries*.
14, for *Signeur*, read *Seigneur*.
20, for *Signeury*, read *Seigneurie*.
Page 42, line 10, for *pays deserter*, read *païs deserté*.

MISREPRESENTATION of the proceedings of the Supreme Legiſlature is not only injurious to the individuals who compoſe the legiſlative body, but a crime againſt the conſtitution. *Power* may enforce ſubmiſſion to its will among *ſlaves*; for ſubjects are no longer free, when their obedience to their rulers is induced by fear alone: but it is to *Authority* that *freemen* pay obedience; for where we allow authority to reſide, we always ſuppoſe power accompanied with wiſdom and benevolence; and our obedience is then more the reſult of our reſpect than of our dread.

Whoever, therefore, endeavours to diveſt us of reſpect for the ſupreme authority in the ſtate, labours to eradicate from our minds every idea of a Free Government, and either to reduce us to the condition of ſlaves whilſt we ſubmit to it, or to excite us to deſtroy the conſtitution and ourſelves by overturning it. It is indeed the duty, as well as the privilege, of *Engliſhmen* to diſcuſs every public meaſure, and to trace the conſequences of every important act of ſtate; but, in ſo doing, we ought to be guided by truth and reaſon, and carefully avoid miſrepreſentation of facts, and unfounded imputation of motives. We ought to expect no more of our rulers, than to do what upon the whole appears to be the beſt; and, if that can be made out to the ſatisfaction of our unbiaſſed judgement, we have ſurely no right to ſuppoſe their conduct to be governed by ſiniſter or wicked motives. Had theſe conſiderations been attended

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to, the clamour, which has been endeavoured to be raiſed againſt the late Act for the better regulating the Province of *Quebec*, would never have been excited; but, ſince ſuch endeavours have been uſed, it becomes the duty of the friends of government, who wiſh to give content and ſatisfaction to the minds of the people, to lay before the public a fair and ſimple repreſentation of the purpoſes of the law, and to ſuggeſt the conſiderations upon which that meaſure appears to be founded; in order to enable every candid *Engliſhman* to form a right judgement of its propriety, and of *their* title to his eſteem and confidence, upon whoſe advice it was taken up, or by whoſe aſſiſtance it has been carried into effect.

When the vaſt territory of *Canada* became part of the dominions of the crown of *Great Britain*, it was found to contain near one hundred thouſand inhabitants; a hardy induſtrious race of men, equally ſkilled in the management

of the plough, the fishing-net, and the musket. They were descended from *Frenchmen*, attached to *France*, and professed the religion of that country. They had obtained a considerable influence over the Western Savages, who had been accustomed to wage an almost continual war, under their direction, with the *English* subjects, against whom they cherished the strongest antipathy and malevolence.

The lands of *Canada* had been granted by the *French* king in Signeuries upon feudal tenure; and the signeur had parcelled them out among the inhabitants upon the like conditions; and the relation and compact between lord and tenant was still more firmly cemented, by the former being appointed to command the militia of his signeury, and being also vested with the civil jurisdiction in all matters of a trivial value. He was also sheriff of his district; and all pro-

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ceſs iſſuing out of the ſuperior courts againſt his tenants were directed to him, and by him were moſt punctually and faithfully executed. Hence was it, that the peaſants of *Canada* became ſo formidable a militia, and that, with ſo little aid from France, the troops of the colony ſo long baffled all the efforts of the numerous armies raiſed by our provinces, and were at laſt ſubdued only by the ſuperior bravery and diſcipline of the king's regular forces.

The religion of the *Canadians* was found to be that of the *Gallican* Church, ſcarce a ſingle *Hugonot*, or diſſenter from the *Romiſh* faith, was to be met with in this vaſt territory; and very noble proviſion had been made for the education of the *Canadian* youth, by the ample endowment of religious ſeminaries, from whence the pariſhes were ſupplied with prieſts, and miſſionaries ſent for the inſtruction and converſion of the ſavages.

By

By the capitulation granted to the *Canadians* by Sir *Jeffery Amherſt*, the free exerciſe of their religion, and the full enjoyment of their property, were ſecured to them; and, in the ſubſequent treaty of *Paris*, the like terms were more ſolemnly ſtipulated and ratified by the king.

Such were the circumſtances under which *Canada* became a dependency of the crown of *Great Britain*; and the eſtabliſhment of a proper mode of civil government therein was conſidered by the then, and every ſubſequent, adminiſtration, as a matter of ſo great importance and of ſo much difficulty, that it became the object of almoſt continual deliberation. Every means of information was put in uſe, and every aſſiſtance called for, that could be ſuppoſed to throw light upon the ſubject, or furniſh a clue to lead to the wiſhed for point. But, while theſe diſcuſſions were going on, it was neceſſary that ſome civil judi-

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cature ſhould be erected, and a legal government of ſome ſort ſhould take place; and therefore his Majeſty was adviſed to introduce the laws of *England* in general into *Canada* for the preſent: And a proclamation was accordingly iſſued for that and other purpoſes, on the 7th of *October*, 1763.

This proclamation was attended by a code of inſtructions to General *Murray*, then appointed Civil Governor of *Canada*, by the new name of *Quebec*; and ſoon after, the Lords of Trade preſented to his Majeſty in Council a paper of propoſitions for regulations to be adopted in that province. Theſe propoſitions were referred to the then Attorney and Solicitor General, who took ſome months to deliberate upon them, before they delivered in their report. But, in the mean time, the publication of the proclamation, and of an ordinance, which the Governor and Council promulged

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for eſtabliſhing courts of juſtice in conſequence thereof, filled the poor *Canadians* with grief and amazement. They ſaw themſelves at once bereft of their own laws and cuſtoms, and an unknown ſyſtem of juriſprudence eſtabliſhed in their room. They were utter ſtrangers to the language in which theſe new laws were written, and they had no idea of the uſages by which they were to govern themſelves in caſes where the written laws gave no direction: But, as they were accuſtomed to ſubmit to authority, they reſtrained their murmurs, and waited the event with patience, though not without great anxiety.

As the laws of *England*, which were now introduced in the groſs, were ſuppoſed to exclude *Roman* catholics from all offices; the captains of the militia, and ſigneurs were all ſuperſeded of courſe, and ſuch of the king's antient ſubjects, as

had

had taken up their abode in *Canada*, were appointed magiſtrates and militia officers in their room. Few of theſe perſons were of a reſpectable claſs in the provinces from whence they had emigrated; and their deportment in their new dignity did not much ſerve to alleviate the grief and chagrin of the diſcarded *French* Nobleſſe, who felt themſelves not leſs diſgraced by their own diſmiſſion, than by the elevation of ſuch men into their ſeats. There were few or none of theſe antient ſubjects, who had landed property in *Canada*. They had been either ſuttlers to the troops, or *Indian* traders; and although thoſe, who were appointed magiſtrates, now added ESQUIRE to their names, they did not think fit to lay aſide their former occupations. Indeed, ſuch as were removed to a conſiderable diſtance from *Quebec*, found a way of rendering their magiſterial powers uſeful in their trade; for, as the law was in their own hands,

they took the liberty of moulding it to any form that ſuited their purpoſe. The *Canadians* had, in the courſe of their dealings, contracted debts with theſe and other traders, expecting to pay in peltry or the produce of their farms, when the ſeaſon came round; but, to their utter aſtoniſhment, they found themſelves cited before the magiſtrates for the moſt trifling ſums, condemned to make inſtant payment at times when they had no means in their power, and, on failure whereof, their perſons were arreſted, dragged from their farms and families, and committed to a common priſon, there to remain until their creditors received ſatisfaction for their demands. If the debt exceeded forty ſhillings, their caſe was ſtill worſe; for then they were arreſted by the writ of the court at *Quebec*, and, from the remoteſt parts of the province, tranſmitted under cuſtody of a deputy marſhal like felons to the capital. As, by the *French*

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laws, no proceſs went againſt the perſon of the debtor until his chattels were found inſufficient, and of theſe he was allowed time to make the moſt, at the proper ſeaſon, by the merciful decree of his ſeigneur; it is difficult to conceive the miſery and diſtreſs, in which the poor *Canadians* found themſelves involved, by the operation of theſe new and unknown laws; and when, to the afflicting circumſtances already ſtated, we add the enormous expence attending a proceſs out of the ſuperior courts executed at ſo great a diſtance; we ſhall ceaſe to wonder, that the *Canadians* are not in raptures with the *Engliſh* laws of arreſts; and be leſs amazed at the obſtinate prejudice they entertain for their own laws and cuſtoms.

The truth is, our laws of arreſts are innovations upon our conſtitution; and the good of trade has ſuperſeded the regard our antient laws ſhewed for the

perſonal liberty of the ſubject: And, at this day, there is no country under heaven, where the recovery of debt is attended with more circumſtances of cruelty, miſery, and ſlavery than in our own, however we may plume ourſelves upon the excellency of our civil code.

The ſufferings of the *Canadians* did not however get the better of their patience, nor baniſh their hopes in the king's goodneſs. Repeated petitions to his majeſty, conceived in the humbleſt though the moſt pathetic terms, praying the reſtoration of their former laws and cuſtoms; were the only efforts they made to obtain relief from their miſery: And though little could be done for their comfort during theſe ten years, in which they have been ſuffering and petitioning, they ſtill perſevere in their dutiful ſubmiſſion to the king's government, and ſupport themſelves, under the preſſure of their calamities, by truſt and confidence in the royal juſtice and clemency.

mency.—But, although ſo little was done for their relief, the king's ſervants were not inattentive to the ſtate of *Quebec*, or deaf to the cries of the *Canadians*; for ſo ſoon as the report of the attorney and ſolicitor general was received, the board of trade was directed to prepare an inſtruction to the governor, requiring him to paſs an ordinance for the better regulation of law proceedings, which that board, with great care and pains, prepared accordingly. But the Lords of the Council, not thinking themſelves ſufficiently informed of the laws and cuſtoms of *Canada*, which, by this inſtruction, were to be adopted; the inſtruction was laid aſide for the preſent; and the earl of *Shelburne*, then ſecretary of ſtate in the ſouthern department, ſent Mr. *Morgan*, one of his under ſecretaries, to *Quebec*, to collect the laws and cuſtoms which had prevailed or been of force in *Canada* under the *French* government; a truſt which that gentleman executed with great fidelity

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and ability. Inſtructions were at the ſame time ſent to the governor, chief juſtice, and attorney general of *Quebec*, to give all poſſible aſſiſtance to Mr. *Morgan*; and, ſo ſoon as the collection was made, they were directed carefully to examine and conſider the whole, and tranſmit their opinions, how far thoſe laws and cuſtoms were fit to be adopted in any general plan for the regulation of the province, and fully to report their ſentiments of the nature of the conſtitution, which was moſt likely to give content and ſatisfaction to the inhabitants, and attach them to the *Engliſh* government.

Upon Mr. *Morgan*'s return to *England*, his report, and thoſe of the governor, chief juſtice, and attorney general, all of which materially differed from each other, together with the laws and cuſtoms of *Canada* collected by Mr. *Morgan*; were laid before the Privy Council, and from thence referred to the Board

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of Trade, who framed a new report upon the information of theſe papers and their own inquiries, which having been conſidered by the Privy Council, their Lordſhips referred all the papers to the advocate, attorney, and ſolicitor general, directing thoſe great law officers to make ſeparate reports upon the whole of what was now laid before them.

The reports of theſe learned gentlemen contained a great variety of propoſitions; but, like the opinions of moſt learned gentlemen, they were very different from each other. And thus it fell out, that, after all the pains which had been taken to procure the beſt and ableſt advice, the miniſters were in a great meaſure left to act upon their own judgement.

In this ſituation it was natural to have recourſe to precedents; and thoſe, which had any ſimilarity to the preſent caſe, were carefully examined.

IRELAND and MINORCA furnished the most striking instances of the treatment, given by our ancestors to a conquered people professing the *Romish* religion; and as the measures, pursued in those instances, were exceedingly different, the effects of each were investigated with the most critical exactness.

The *Irish* papists, when the revolution took place, had attached themselves to the banished king through principle; as well because he was *their* king, as because he lost the crown of *England* by his zeal for the religion they professed. The capitulation of *Limerick* was the only assurance they had received from the conqueror of the enjoyment of their property or the exercise of their religion; and those who had the misfortune not to be included in that capitulation, which was a vast majority of that wretched people, were absolutely at the mercy of the victorious protestants. The number

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of inhabitants in *Ireland* did not then amount to a million; and the *Roman* catholics were four fifths of the whole. Dread of their numbers, and resentment for the cruelties they had inflicted upon the protestants while their rule lasted, dictated the plan, which was then adopted, and which has to this day been unremittingly pursued, for preventing the growth of popery in that island, and depriving its professors of all means of disturbing the government or abetting the enemies of the state. All papists, not included in the capitulation of *Limerick*, are by law rendered incapable of purchasing, inheriting, or even obtaining the security of a mortgage upon a landed estate: And to encourage the discovery and detection of offenders against these laws, as well as to promote reformation, the informers are rewarded with a grant of the lands, which, upon conviction of the owner, becomes forfeited to the crown. Besides the legal disabilities, which papists are subjected to by

the laws of *England*, the *Iriſh Roman* catholics are deprived of all weapons offenſive or defenſive; and it is made penal for them to cut their victuals with knives exceeding a certain length in the blade. Papiſts are debarred of giving their children any education unleſs under proteſtant maſters; and if any of them build a houſe, and make improvements on his farm, to the value of 40 l. he is liable to have it taken from him by any proteſtant, who ſhall tender him that ſum: And ſhould any of them be found upon an horſe, worth more than 5 l. he is liable to be compelled to ſell him for that price to the firſt proteſtant who takes a liking to him.

It is difficult to imagine, what more can be done by ſevere treatment to extinguiſh a ſect, or to deprive its followers of all ſpirit or ability to diſturb the government. Yet the effect of theſe meaſures, if we may believe the *Iriſh* proteſtants, has not by any means anſwered theſe

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their avowed purpoſes, nor ſerved in any degree to recommend them for our imitation in *Quebec*. For, after the experience of almoſt a century, we are told, ſuch is ſtill the malignant hatred borne by the papiſts to the proteſtants, and ſuch their determined purpoſe to yield that kingdom to a foreign power whenever the opportunity preſents itſelf, that, although the proteſtants now bear the proportion of two to five to the *Roman* catholics, are in poſſeſſion of all the offices of the ſtate, the land-owners of nearly the whole iſland, and protected and ſupported by the whole power of *England*, they think themſelves in the utmoſt danger of being maſſacred by the papiſts, if, even in time of peace, there ſhould happen to be a leſs number than twelve thouſand effective troops remaining in the iſland *.

Now

* The arguments uſed by the oppoſers of the Popiſh Mortgage Bill, all tended to ſhew, that ſhould the *Iriſh* Papiſts ever acquire property in

Now the *Iriſh* papiſts are *Iriſhmen*, mixed in blood, and deſcended from many of thoſe, who are at preſent proteſtant families. There is not an individual inhabitant, that has ever borne arms againſt the *Engliſh* government; nor has there been any rebellion, inſurrection, or the face of an enemy (*Thurot*'s excepted), ſeen for fourſcore years in that kingdom: And yet if, notwithſtanding

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that country, they would certainly employ it to the deſtruction of the Proteſtants. And the ſame men, who declaim upon the hardſhips impoſed on *Ireland* by *Engliſh* Laws, which exclude the inhabitants from lucrative branches of trade, with the ſame breath aſſert, that the conſtitution would be in the utmoſt danger, ſhould three-fifths of the inhabitants find means of ſparing a ſhilling from their immediate neceſſities. In another century, perhaps, ſome ſtateſmen may ariſe in that country, who can conceive men to be more diſpoſed to ſupport a government that protects them in all the rights of humanity, than one whoſe policy it is to extirpate them; that, as men always entertain a prædilection in favour of the country where they are educated, to compel the Roman Catholics to ſend

ſtanding theſe happy circumſtances, ſeverity has ſo little ſerved to attach theſe infatuated people to the *Engliſh* government and their fellow-ſubjects; what ſucceſs may we hope for from the like methods in *Canada*, where the *Roman* catholic inhabitants are five hundred to one proteſtant, and thoſe

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ſend their children to France for education, is not the beſt means of weaning their affections from that kingdom; that men, who inveſt their wealth in fixed property, are not the moſt apt to excite inſurrections; and that to oblige men to tranſmit their property into foreign countries, is not the ſureſt method of attaching them to the ſtate they reſide in. Biſhops, it is alſo to be hoped, may be found in future times, who will be able to diſcover, that their being brought up in ignorance, is not the likelieſt way to teach men to diſcern and overcome early prejudices; that it is paying an ill compliment to the authors of the Reformation, to inſiſt upon mens profeſſing themſelves Proteſtants antecedent to their receiving any inſtruction; and that Chriſtianity no more authorizes Proteſtants to make converts by penal ſtatutes and diſabilities, than it does Roman Catholics to propagate their creed by fire and faggot.

Roman

Roman catholics ten years ago were ſubjects of *France*, and every man bearing arms againſt *England*; in poſſeſſion too of a country ſituated three thouſand miles from *Great-Britain*, and all acceſs to it denied by nature to our fleets and armies for ſix months in every year.

The effects of lenity in the other inſtance recurred to, which was that of *Minorca*, were more promiſing; and the caſe was more in point than that of *Ireland*. The inhabitants of *Minorca* were originally *Spaniards*, and hoſtile to *England*. They had been permitted the full enjoyment of their religion and properties, from the ceſſion of the iſland to *Great-Britain* by the treaty of *Utrecht* to the preſent hour: and, although we have had two wars with *Spain* in that time, and the iſland has once been conquered by *France*; the inhabitants have ſhewn no impatience under the *Engliſh* government, nor have they been found to invite or abet an invaſion by their

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former ſovereign, or any other *Roman* catholic prince.

It is true, little profit has hitherto accrued to *England* from the poſſeſſion of that iſland; for it has never been attempted to be made a colony, nor has any civil government been eſtabliſhed there; no adminiſtration, before the preſent, having had ſufficient leiſure, or been ſo zealous for the public welfare, as to engage in an undertaking, which, it was eaſy to foreſee, muſt (like the *Quebec* bill) occaſion much clamor, and furniſh a topic for oppoſition to declaim upon. Hence it is, that one of the fineſt iſlands in Europe, and the moſt advantageouſly ſituated, has been ſuffered to be without improvement for half a century; although the nation pays above 100,000 l. in every year of peace to ſecure to our commerce the protection of its harbour in time of war.

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The inducement to adopt a plan of lenity and indulgence, arising from the comparison of the advantages with which that mode of treatment has been attended in *Minorca*, with what has been the result of the severe system which has taken place in *Ireland*, was greatly heightened by a consideration of the avowed purpose of the old colonies to oppose the execution of the laws of *England*, and to deny the authority of the supreme legislature: for, however different the views and purposes of the leaders of this opposition might be from the wishes of the *Canadians*; yet, it was not to be doubted, they would take advantage of any discontent which a harsh proceeding might excite among them, and, by fair promises of redress, endeavour to lead them to take part in their undertaking.

An alliance of this sort, however unnatural, we know once took place in the reign of JAMES the Second, between certain of the Dissenters and the Roman Catholics

Catholics in *England*, for the ſubverſion of the eſtabliſhed Church; and it is no uncommon thing in any country, for two ſects or parties, who mutually diſlike each other, to make a common cauſe of putting down a third, that attracts the enmity of both.

I have hitherto argued the point upon the oppoſition's own ground; and I truſt I have made it appear, to the conviction of every unprejudiced mind, that the plan, which benevolence and humanity recommend, is conſonant to the ſoundeſt policy: But there is ſtill one important conſideration to be added in favour of ſuch a plan, which would outweigh even its impolicy, if *that* could be proved; which is its *juſtice*. By the 4th article of the treaty of *Paris*, ratified by the king and approved by parliament, it is ſtipulated; "That his "Britannic Majeſty, on his ſide, agrees "to grant the liberty of the catholic "religion to the inhabitants of *Canada*.

" He will, conſequently, give the moſt
" preciſe and moſt effectual orders, that
" his new *Roman* catholic ſubjects may
" profeſs the worſhip of their religion,
" according to the rites of the *Romiſh*
" church, *as far as the laws of Great-*
" *Britain permit*."—Let us then examine how far the laws of *England* do or do not allow the *Canadians* the free and public exerciſe of their religion, and how far, under the ſtipulations recited, they are entitled to the common rights of *Britiſh* ſubjects in that country. Fortunately for my purpoſe, theſe caſes have been already ſtated, and the opinions of as able lawyers, as this country has produced, have been given upon them. In 1765, the Lords of Trade ſent the following query to Sir *Fletcher Norton* and Sir *William De Grey*, then attorney and ſolicitor general; " Whether his majeſty's ſubjects,
" being *Roman* catholics and reſiding
" in the countries ceded to his majeſty
" in *America* by the treaty of *Paris*,

" are

" are not ſubject, in thoſe colonies, to " the incapacities, diſabilities and penal- " ties, to which *Roman* catholics in this " kingdom are ſubject by the law there- " of?" To which query thoſe great men anſwered on the 10th of *June*, " That " they were not." And the advocate, attorney, and ſolicitor general, in their joint report to the Privy Council upon the propoſitions of the Board of Trade, preſented on the 18th of *January* 1768, ſtate it to be their opinion, " That the " ſeveral acts of parliament, which im- " poſe diſabilities and penalties upon the " *public* exerciſe of the *Roman* catholic " religion, do not extend to *Canada*; " and that his majeſty is not by his " prerogative enabled to aboliſh the " dean and chapter of *Quebec*, *nor to* " *exempt the proteſtant inhabitants from* " *paying tithes to the perſons, legally* " *entitled to demand them from the* Ro- " man *catholics*." Supported by ſuch high authorities, I am ſurely warranted

in afferting, That the *Canadians* are, by the ſtipulations in the treaty of *Paris*, entitled not only to the free and public exerciſe of their religion, but are alſo capable of and entitled to all the rights of *Britiſh* ſubjects in that province. For, if the laws of *England* do not diſable or reſtrain them, or make a diſtinction to their prejudice; they have certainly a right to the privileges and advantages of thoſe laws, in common with other the king's ſubjects reſorting to *Canada*; and any ſubſequent law, or exertion of the king's prerogative, which ſhould make a diſtinction, which the laws in being, when the treaty was ratified, do not make, would be cruel, arbitrary and unjuſt, and a violation of the ſolemn ſtipulations of that treaty. Under what colour or pretence, then (let me aſk the oppugners of the late act of parliament), is it that the *Canadians* ought to have been deprived of all ſhare in the civil offices of the province; that

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their clergy ſhould be ſtripped of their maintenance, and the whole people made ſubject to laws enacted by an aſſembly, from which they were to be excluded, and in the election of whoſe members they were to be deprived of all ſhare? Upon what ground or pretence is it aſſerted, That a clauſe, which expreſsly takes away from the pariſh prieſts their legal title to tithes of the lands held by proteſtants, and which our great crown-lawyers declared the king could not deprive them of by his prerogative, can be ſaid to eſtabliſh popery, and grant only a precarious toleration to the church of *England?*——But I will not anticipate what will come more properly into diſcuſſion, when the act itſelf is conſidered.

The death of the biſhop of *Quebec*, which happened in the year 1760, brought on the conſideration of the appointment of a ſucceſſor; which was certainly a matter of much importance

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and delicacy: For, on the one hand, if no perſon veſted with epiſcopal authority was permitted to reſide in *Canada*, all candidates for orders muſt paſs into *France*, or ſome other *Roman* catholic country, for ordination; which would occaſion an intercourſe, which there were the wiſeſt reaſons to prevent: And, on the other, if a biſhop ſhould be admitted, who himſelf received his appointment from a foreign power; *That* might create ideas of dependence and connection, which ought as much as poſſible to be kept out of the minds of the *Canadians*. The meaſure adopted avoided all theſe inconveniences. A prieſt, of great conſideration in *Canada*, had come over to *England*, with the ſtrongeſt teſtimonials from the governor of his good character, benevolent temper, and attachment to the *Engliſh* government. This perſon was told, if he obtained conſecration he ſhould be licenſed to ſuperintend the *Roman* catholic churches in *Quebec*: In which caſe, he muſt im-

mediately conſecrate a coädjutor to be nominated by the king's governor to ſucceed him, and that ſuch coädjutor ſhould likewiſe, when he became biſhop, conſecrate a coädjutor to himſelf; and thus a perpetual ſucceſſion be kept up, without having recourſe to any authority out of the province: all which has been complied with, and the meaſure promiſes to be attended with the beſt and happieſt effects.

The conduct of the few *Britiſh* traders, who had ſettled in *Quebec*, towards the *Canadians*, but ill accorded with the philanthropy of the plan for the government of the province, which was under conſideration in *England*. For the governor and council having, in conſequence of inſtructions from his majeſty, directed in their ordinance for the eſtabliſhment of courts of juſtice, that the *Canadians* ſhould be ſummoned upon juries; the grand jury for the county of *Quebec*, which was compoſed

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of the new ſettlers, at the *October* ſeſſions in 1764, after declaring, "That "*they* muſt be conſidered at preſent as "*the* ONLY REPRESENTATIVE *of the* "*colony*, and that they, as *Britiſh* ſub-"jects, had a right to be conſulted before "any ordinance, that may *affect* the "body *they repreſent*, be paſſed into a "law;"* proceeded to preſent, as a grievance among others, and a violation of their moſt ſacred laws and liberties, the impannelling *Roman* catholics upon grand and petty juries. And the more fully to manifeſt their envy at the indulgent treatment of the *Canadians*, and their ſettled purpoſe to deprive them of the moſt valuable privileges of *Britiſh* ſubjects, ſhould they ever poſſeſs the

* The learned promulgers in 1766 of the heaven-born doctrine of taxation and repreſentation being neceſſarily and eternally connected, appear to have been mere plagiariſts of the grand jury of *Quebec*; for they had diſcovered it two years before, and extended it, with as good reaſon, to all acts of legiſlation.

power

power of doing it; they took upon them to interpret the ſtipulations in the treaty of *Paris* reſpecting the *Canadians*, as limited and reſtrained to ſuch toleration of their religion, as is permitted to *Roman* catholics in *England* by the ſtatute of the 3d of king *James* the firſt; and that therefore the *Roman* catholics in *Quebec* were liable to all the penalties and diſabilities of that ſtatute. The reprimand, given by the bench to this grand jury for their preſumption, with-held future grand juries from aſſuming the ſtyle and authority of repreſentatives of the colony: And theſe perſons, finding there were no means, by which they could oppreſs the new ſubjects or ſeize upon the powers of government, but by obtaining a proteſtant aſſembly to be called, of which *they* only could be members, have laboured that point by repeated petitions to his majeſty and repreſentations to the governor; all of which petitions and repreſentations have regularly been encountered by petitions of the new ſub-

jects for the restoration of their antient laws and customs.

I HAVE thought it necessary to give so large an account of what passed previous to the introduction of the late act into parliament, in order to shew the real state of the province, and to obviate the charge of delay, which has been so repeatedly made against administration in the course of their proceedings. It is now time to consider the act itself, and to examine, how far it is founded upon the principles of humanity, and corresponds with that plan of justice and sound policy, which I have asserted to have been adopted by his majesty's servants.

The objects of this act are, the extension of the boundaries of the province; the revocation of the civil government, which took place in consequence of the proclamation in 1763, and all its acts; the toleration of the *Roman* catholic religion,

gion, agreeable to the treaty of *Paris*; the ſecuring to all the *Canadian* ſubjects, except the religious orders and communities, the enjoyment of their properties and civil rights; the re-eſtabliſhment of their antient laws and cuſtoms, ſubject to ſuch alterations as the legiſlature of the province may think fit to make; the continuation of the adminiſtration of the criminal laws of *England*, ſubject to the like alteration; and the eſtabliſhment of a temporary legiſlature within the province.

When the lines, drawn by the proclamation of 1763 for the boundaries of *Quebec* and of the *Floridas*, and for the limitation of ſettlements under grants from the old provinces, were reſolved upon; a general plan for the regulation of the trade with the ſavages was under conſideration of the Board of Trade, and in great forwardneſs. To give this plan uniformity and effect, it was thought neceſſary to exclude all the provinces

from jurisdiction in the interior or *Indian* country; but all persons resorting thither for trade (and no settlements were to be permitted) were to be subject to a police, deriving authority immediately from the Crown, and supported by a revenue arising from a tax upon the trade to be imposed by act of parliament.

The events of the following year were fatal to this plan; for it was not then judged expedient to lay the tax, and consequently the expence could not be defrayed without an additional charge upon the *American* contingencies, which were thought to be sufficiently burdened already. This was the reason that so large a part of the ceded territories in *America* was left without government, and that the new province of *Quebec* contained so small a portion of antient *Canada*.

It had been the policy of the *French* government to possess themselves of the

water

water-communications throughout the whole of that vaſt country, and, for that end, to eſtabliſh poſts at the moſt important paſſes; but, being well aware of the great difficulty of ſupplying thoſe poſts with proviſions from the inhabited country, they ſettled a little colony round each poſt, to cultivate the ground and raiſe proviſions for the garriſon. This gave riſe to the ſettlements at *Detroit*, *Miſſilimakinac*, and upon the heads of the *Miſſiſſippi*, called the *Illinois* country: And, as theſe ſettlers had been put entirely under the direction of the commanding officers of the forts, when the *French* garriſons were withdrawn, and military orders ceaſed to be law, they were altogether without law or government; eſpecially as, by the new arrangement, they were excluded every *Engliſh* province. It muſt be confeſſed, no great miſchief has happened from theſe people being left in this lawleſs ſtate: They had been accuſtomed to obey *French* military orders; and the

Engliſh

Engliſh officers, who commanded the poſts which were continued in their neighbourhood, of their own authority exerciſed the ſame command over them; and as it was not the purpoſe of adminiſtration to encourage ſettlements in thoſe remote ſituations, the arbitrary rule of the military was tolerated, as moſt likely to prevent an increaſe of inhabitants.

In ſuch parts of this *pays deſerter* as lay more contiguous to the preſcribed limits of the old colonies, and where there were no military poſts kept up, the effects were very different. Emigrants in great numbers flocked thither from the other colonies, took poſſeſſion of vaſt tracts of country without any authority, and ſeated themſelves in ſuch ſituations as pleaſed them beſt. As no civil juriſdiction reached theſe intruders upon the King's waſte, and as their numbers increaſed every day, inſomuch that the native ſavages, in dread of their power, quitted theſe lands, and removed

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to others at a greater diſtance; the caſe was judged to be without other remedy than that of following the emigrants with government, and erecting a new province between the *Allegany* mountains and the river *Ohio* for that purpoſe.

That the miſchief might not, however, farther extend itſelf, and the like reaſons for erecting new colonies at a ſtill greater diſtance from the ſea coaſt may not again recur, the whole of the derelict country is, by the firſt clauſe of the act, put under the juriſdiction of the government of *Quebec*, with the avowed purpoſe of excluding all further ſettlement therein.

The province of *Quebec* was preferred for this end before all the others, becauſe the acceſs by water is much eaſier from *Quebec* to ſuch parts of this country as are the moſt likely to be intruded upon, than from any one other colony: for emigrants always chuſe to ſeat themſelves upon

upon places where they can have the advantage of a water-communication with the markets they intend to traffic at. And if this country had been parcelled out among the ſeveral colonies that bounded upon it, experience has fully teſtified the impracticability of their all agreeing upon one general plan, which would have the effect to prevent ſettlement, or to enforce any regulations which may be thought neceſſary for giving ſecurity and ſatisfaction to the ſavages in their dealings with our traders; the only means to prevent the quarrels and murders which are every day happening, and which are the certain conſequences of a fraudulent commerce. Both theſe objects, it is expected, will be obtained by putting this country under the juriſdiction of *Quebec*; for, as there is now a legiſlature in that province, competent to enforce ſuch regulations; adminiſtration is pledged to recommend, that acts for thoſe purpoſes

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be the firſt objects upon which the legiſlative powers ſhall be exerciſed.

The *Labradore* coaſt is, by this clauſe, taken from the juriſdiction of the governor of *Newfoundland*, and annexed to *Quebec*, for different reaſons. The ſoil of that wretched country is too ſterile, and the climate too intemperate, to invite ſettlers. The ſeal and ſea-cow fiſheries are the chief objects to induce the human ſpecies to viſit that coaſt. Theſe fiſheries, it is aſſerted, require great ſilence and watchfulneſs in the fiſhermen, which cannot be expected in a promiſcuous fiſhery. And it is aſſerted, that the fiſhing-poſts muſt be occupied, and the preparations for the fiſhery made, before the cod-fiſhery begins, or the King's ſhips, deſtined for its protection, arrive in thoſe ſeas. Hence it is, ſay the perſons intereſted in the oil-fiſhery, that grants of fiſhing poſts muſt be made to the occupants, excluſive of all others, and that the coaſt and fiſhery ſhould be

put under a civil jurisdiction, which might afford constant protection, and to which recourse may be had for satisfaction of any damage the residents might sustain by intruders.

Now, the governor of *Newfoundland* has no legal authority to make grants of lands or of fishing posts in *Labradore*; neither can he appoint civil magistrates to reside there in the absence of the fleet, nor is there any court of justice at *Newfoundland*, to which the resident fishermen could have recourse, or by which any satisfaction could be decreed for injuries sustained from itinerants.

All these defects will be supplied by the governor of *Quebec*, who has authority to make grants of lands and fishing posts, and can appoint magistrates to reside during the whole of the fishing season; and the king's courts of *Quebec* will be equally open to the fishermen

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for redreſs of injuries, as to all other his majeſty's ſubjects. But ſhould the information, upon which this meaſure is founded, prove erroneous, or any injury to the fiſhery accrue from the propoſed regulations; the legiſlature of *Quebec* can interpoſe, or if its authority be inſufficient, parliament will not fail to apply however an adequate remedy.— I muſt not quit this point without remarking, that, as the nature of this oil-fiſhery renders it impoſſible to be carried on in the manner of the *New-foundland* fiſhery from *Great-Britain*; it muſt fall into the hands of reſidents: and ſince that is the caſe, it does not appear a very important conſideration, whether the profits of it go to *Boſton* or *Quebec*, in the firſt inſtance. But ſhould the people of *England* chuſe to take a ſhare in it, and make ſettlements there for that purpoſe, the order of his majeſty in council to the governor of *Quebec* will always ſecure to them a

grant of any unoccupied fiſhing poſt, which they may apply for.

The clauſe, which revokes all commiſſions and annuls all ordinances, made by the governor and council relative to the civil government and adminiſtration of juſtice, ſtands next in order in the act; but, as this clauſe is only meant to clear the ground for the intended ſuperſtructure, I ſhall paſs it over and haſten to the ſucceeding clauſes, which reſpect religion and the laws.

Strange things have been aſſerted in parliament, and out of parliament, of the wicked tendency of theſe clauſes. Nothing leſs than an abſolute dominancy and legal eſtabliſhment is ſaid to have been given, in the one caſe, to the *Roman* catholic religion, to the depreſſion and excluſion of *that* of the church of *England* and of all proteſtants; and, in the other, *Engliſhmen* are ſaid to be put under an arbitrary *French* judicature,

and

and deprived of the right of trial by juries in all civil cauſes. Hard charges theſe upon the very great majority in both houſes, which paſſed the bill, and upon our moſt benign and religious king who gave his royal aſſent to it! But, I truſt, things will not appear ſo bad upon examination.

The enacting clauſe runs thus: "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 QUE-"BEC, *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 *thenafter ſhould* "*belong to the imperial crown of this* "*realm*;

" *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."

The man who can diſcover the dominancy and eſtabliſhment of the *Roman* catholic religion in the words of this clauſe, muſt be able to out-jeſuit the keeneſt of the ſons of *Loyola*. For, to a common underſtanding, the words of this clauſe ſeem to expreſs a meaning very different from an eſtabliſhment of popery. They clearly and plainly declare the king to be *ſupreme head* of the church in *Quebec*, by authority of the act of the firſt of *Elizabeth*. May I then aſk, of what church it is, that the act of the firſt of *Elizabeth* declares and eſtabliſhes the king to be ſupreme head? For, whatever church that is, *That* muſt be the eſtabliſhed church in *Quebec* by this act. Had the act of queen *Elizabeth* been *repealed* inſtead of being

being declared of force by this act; there might have been ſome ground for ſuppoſing, that the eſtabliſhment of the church of *England* had been neglected: But a ſubſequent proviſo, by abrogating the oath required to be taken by that act, and by introducing a new one to be taken by *Roman* catholics in *Quebec*, under pain of incurring the ſame penalties, forfeitures, diſabilities and incapacities, *as they would have incurred and been liable to for refuſing to take the oath required by the ſaid ſtatute of queen* Elizabeth, in my poor opinion, gives force and efficacy to the whole, according to that antient law maxim, *exceptio probat regulam.* Perhaps, indeed, this point might have been made more clear, and the act might have been expreſſed in terms more preciſe; but then there would have been danger of undoing, what the clauſe ſets out with the profeſſed purpoſe of doing, "The giving "*eaſe and ſecurity* to the minds of the "*Canadians*," who would naturally

have imagined, that, by *declaring* the eſtabliſhment of the church of *England* in *Quebec*, its eccleſiaſtical judicature was alſo eſtabliſhed, to which they were to be amenable, and by which they ſhould be perſecuted. The declaration of his majeſty's ſupremacy, as eſtabliſhed by the act of the firſt of ELIZABETH, was therefore judged a fitter mode of proceeding; as it leaves it with his majeſty to give ſuch juriſdiction and authority to *his own* church in *Quebec*, as he ſhall think neceſſary. And leſt it ſhould be imagined, that his majeſty is reſtrained by any thing contained in this act from conferring ſuch juriſdiction and authorities, the laſt clauſe of the act puts it beyond all poſſibility of doubt, that he is not. The words are; "And be it "farther enacted, That *nothing herein* "*contained* ſhall extend, or be conſtrued "to extend, to prevent or hinder his "majeſty, &c. by his or their Letters "Patent under the great ſeal of *Great-* "*Britain*, from *erecting*, *conſtituting*,

"and

" and *appointing* ſuch *courts* of *criminal*,
" civil, and ECCLESIASTICAL *juriſ-*
" *diction*, within and for the ſaid pro-
" vince of *Quebec*, and appointing from
" time to time the judges and officers
" thereof, as his majeſty, his heirs, and
" ſucceſſors, SHALL THINK NECES-
" SARY AND PROPER for the circum-
" ſtances of the ſaid province."

The right of the *Romiſh* clergy to tythes, and conſequently to all their accuſtomed dues, has been already ſhewn to be founded in law upon very great authority. They are by this act *deprived of that right* over the lands, perſons, and properties, of proteſtants; which is certainly putting the *Romiſh* clergy in a worſe ſituation than they were before, and takes away all poſſible pretence to any eſtabliſhment of that church and religion. But the operation of this part of the clauſe may, and probably will, be attended with conſequences ſtill more fatal to the authority

of the *Romiſh* clergy, as it holds out to *their* people an exemption from it in the moment they declare themſelves *proteſtants.* And as his majeſty is enabled to appropriate the tythes and other dues, which proteſtants were obliged to pay to the *Romiſh* clergy before the paſſing of this act, "*for the encouragement of the* "PROTESTANT RELIGION, as well "as for the maintenance and ſupport of "a proteſtant clergy;" ſhould it be judged the beſt means of encouraging proteſtantiſm in *Quebec* to exempt its profeſſors from the payment of all tythes and eccleſiaſtical dues whatever, and a ſuitable proviſion be made out of the public revenue of the province for the ſupport of the proteſtant clergy, as is done in other colonies where the church of *England* is eſtabliſhed by provincial laws; the *Roman* catholics will have not only an exemption from the authority of their prieſts, but alſo a conſiderable pecuniary advantage to induce them to reform: And pecuniary

motives, it is well known, have, in all ages and in all places, had their influence in making converts.

Upon the firſt eſtabliſhment of an *Engliſh* colony, before a local legiſlature can be formed, the inhabitants are held to be ſubject to ſuch laws of *England*, as were of force antecedent to the eſtabliſhment of any *Britiſh* colony in *America*, *as far as they are applicable to their circumſtances*, and to all ſuch ſubſequent acts of parliament, in which the colonies are named. Our ſtatutes, antecedent to the reign of *Elizabeth*, are not very voluminous, and the proviſions made by them, reſpecting commercial matters, are very inapplicable to the preſent ſtate of trade in *England*, and ſtill leſs adapted to that of a new colony in *America*. Until therefore a local legiſlature takes place, the inhabitants in moſt civil caſes are without laws; and the magiſtrates generally adopt the uſages of the neighbouring colonies, whoſe

circumſtances and ſituation bear a near reſemblance to their own ; and, by the tacit conſent of the people to their fitneſs, they acquire the authority of laws : And things are conducted upon this (though ſomewhat arbitrary) footing, until a legiſlature is formed ; And then the laws of the other colonies are taken for models ; and, with ſuch alterations as circumſtances render neceſſary, they are enacted the laws of the new colony.

I never remember to have heard this proceeding blamed, or an aſſembly in a new colony cenſured, for adopting any approved law of an old one ; nor do I recollect that our aſſemblies in the *Weſt India* iſlands have been exclaimed againſt for taking part of their laws, for regulating their ſlaves, from the *Code Noir* of the *French*, or converting into acts of aſſembly any of the *French* edicts or arrêts : and yet what a deal of miſchief is pretended to be apprehended

hended from our doing the like in *Quebec?*

All allow that this new colony required a conſtitution different in many reſpects from all our other colonies, and for which none of them could furniſh a pattern. The *French Code Noir* (which it ſeems might have been uſed without offence) would not ſerve; for the inhabitants are not *black*.

From whence then could a model for the laws by which they were hereafter to be governed be ſo fitly taken, as from the laws by which they had been governed, except in caſes where they had learned from experience to prefer the laws of *England* to their own? To this model, therefore, the late act has recourſe, and eſtabliſhes thoſe laws and cuſtoms, which have heretofore been in uſe in *Canada* in all civil caſes, as the laws of the new colony *for the preſent, and until the legiſlature now appointed ſhall*

 make

make other provision. The following are the words of the act: "That, in all "matters of controverſy relative to pro-"perty 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 in-"ſtituted in any of the courts of juſtice, "to be appointed within and for the "ſaid province by his Majeſty, his heirs "and ſucceſſors, ſhall, with reſpect to "ſuch property and rights, be deter-"mined 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." This is the clauſe, which, it is ſaid, *deprives* the *Britiſh* ſubjects of their birth-right of trial by juries; and indeed, it muſt be confeſſed, it gives no directions about juries; for it leaves thoſe and all other civil matters to the wiſdom and direction of the provincial legiſlature, as hath ever been

been done in the caſe of new colonies, There is no act of parliament exiſting, except the late act for regulating the government of *Maſſachuſet's Bay*, which directs the trial of civil cauſes to be by juries in *America*. And, in every new colony, until an act of the provincial legiſlature has been paſſed for the ſummoning of jurors, which indeed is always done in their firſt ſeſſion, there is no law to guide a returning officer in his pannel, nor can any juror, who refuſes to give his attendance, be legally fined. What ſecurity then, may I aſk, have the merchants trading to *Eaſt-Florida*, that their cauſes will be determined by a jury, beyond what the *Quebec* merchants have, that theirs ſhall be ſo determined? In the caſe of the former, we know there is no legiſlature competent to impoſe fines, or inflict penalties, on any perſons who being ſummoned ſhould refuſe to ſerve as jurors, even if the judges ſhould direct a jury to be impannelled; and, conſequently, there

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may be juſt ground to apprehend, that no jury will be had. In the other caſe, a competent legiſlature is appointed, and it is left to them to paſs an act that ſhall direct in what caſes Juries are to be impannelled; and they have power to inflict ſufficient penalties to compel juries to attend and do their duty.

The repealing clauſe of the act does not begin to operate before the firſt of *May*, 1775; and it is highly probable, that the governor, chief juſtice, and other public officers, together with the legiſlative council, will be all in *Quebec* ſome time before, and have taken upon them the exerciſe of their ſeveral functions, agreeable to the authority and directions of the act. The eſtabliſhments of courts of juſtice, and the modes of proceeding therein, muſt neceſſarily engage their immediate attention; and in the acts, which they ſhall think proper to paſs for this purpoſe, they will, no doubt, make proviſion for trials by juries in all ſuch caſes, as upon a full conſide-

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ration of all local circumſtances (many of which cannot be known here) ſhall appear fit to be ſo determined.

There is good reaſon to believe, that the *Canadians* do not deſire to have their civil cauſes decided by juries: and if the *Britiſh* inhabitants wiſh for that mode of trial, why ſhould it be ſuppoſed that the legiſlature will not give it to them in their cauſes, and only with-hold it from the others? Surely thoſe, who exclaim againſt the *Dependency* of the *Quebec* legiſlature, will not ſuſpect them of ſhewing leſs reſpect to the orders of government, or of being leſs partial to *Engliſh* modes and cuſtoms, than the aſſemblies of *Rhode-Iſland*, *Connecticut*, or *Maſſachuſet's Bay*; and yet the choice of the mode of trial was committed to them, in criminal as well as in civil caſes, by their reſpective charters.

But, although the mode of trial be left to the diſcretion of the provincial

legiſlature in *Quebec*, care has been taken, by the laſt clauſe of this act, that all the laws, which have heretofore been made by parliament for the extenſion of commerce and the ſecurity of the *Britiſh* merchants trading to the colonies, ſhall have full force and effect in that province; and conſequently the act of the 5th of GEORGE the ſecond, for the more eaſy recovery of debts in the plantations, is by this clauſe extended to *Quebec*, and adds much to the ſecurity of the merchants trading there; not only as it gives the ſame force and effect to affidavits taken before the chief magiſtrate of any corporation in *Great Britain*, as to *vivâ voce* evidence in the courts of civil judicature there; but as it ſubjects the lands in *Quebec*, notwithſtanding the entail of their tenure, to be extended and ſold for the ſatisfaction of all debts due from the proprietors.

The *Habeas Corpus* is another privilege of *Engliſhmen*, which the ſubjects in

in *Quebec* are ſaid to be deprived of by this act.

If by the *Habeas Corpus* is meant the act of the 31ſt of CHARLES the ſecond, which directs and enjoins the iſſue of that writ, I will take upon me to aſſert, that there is no ſecurity in this reſpect given to the inhabitants of any colony in *America* by that act; for it is merely local, and confined to *England:* Nor is there any other act of parliament, under which the ſubjects in the old colonies claim the benefit of that writ; and, therefore, the ſubjects in *Canada* are upon the ſame footing in this reſpect with all the others. His Majeſty indeed, by his inſtructions to his Governors of every colony, enjoins them to take care, that the ſubjects in their ſeveral provinces have their *Habeas Corpus*; and thoſe inſtructions are directed to be made public, and regiſtered among the records of the court: And, unleſs the provincial legiſlatures have paſſed acts, adopting the act

of CHARLES the ſecond (which is the caſe in ſome colonies, though not in all) thoſe inſtructions are the only ſecurity, which the inhabitants have, for enjoying the benefit of this juſtly eſteemed writ. The declamation againſt government in this caſe is, therefore, ſomewhat premature; for, until Governor *Carleton* has received his new inſtructions, it cannot be certainly known, that the ſubjects in *Quebec* are not to have their *Habeas Corpus*.

It would be great preſumption in me to pretend to ſay, what will or ought to be done in the caſe; but it may not be amiſs to call to the recollection of the old whigs, who are ſo ſtrong advocates for ſecuring the grant of this writ to the *Canadians*, that there have been times when very good friends of public liberty have thought it neceſſary to ſuſpend the act of CHARLES the ſecond in *England*. And the proteſtants of *Ireland* are ſo jealous of the advantage, which the

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Roman catholics in that kingdom might take of it, that, to this day, they voluntarily deprive themſelves of its ſecurity, leſt the general uſe of it might be productive of greater miſchiefs to them, than any they apprehend from the power which government has over their perſons through the want of it. But ſo whimſically inconſiſtent are the *railers* at the meaſures of adminiſtration (for they are not of importance ſufficient to be entitled to the name of *opponents)* that, whilſt they raiſe a cry againſt the indulgence ſhewn to the *Canadians* in religious matters, they affect to be exceedingly angry with the miniſters, for confining their civil liberties within too narrow bounds; although indulgence, in the one caſe, can be attended with no dangerous conſequences to the ſtate, and, in the other, every thing would be put to the hazard.

No cenſure has been paſſed upon the clauſe continuing the adminiſtration of the criminal law of *England* in *Quebec*,

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ſubject nevertheleſs to ſuch alterations and amendments, as the local legiſlature ſhall think fit to make; nor have the objections, which have been made to the mode, by which the legiſlature is appointed, been conſidered, even by the propounders of them, as of equal weight with the arguments which have been adduced againſt every other mode, by which a legiſlative body has been propoſed to be eſtabliſhed.

The objections to an elective aſſembly, in the preſent circumſtances of the colony, are inſuperable; for the members muſt either be choſen by the land owners, in which caſe the new ſubjects would elect the whole body, or the land owners muſt be ſet aſide, and then the very eſſence of a repreſentative aſſembly would be intirely taken away.

A local legiſlature is certainly neceſſary to give life and vigour to any conſtitution of government, that could have been framed for this colony; for none

but thoſe, who, by long reſidence in the country, have made themſelves fully acquainted with its circumſtances, can judge of the utility of a multitude of minute proviſions, which are however exceedingly neceſſary.—In matters of greater magnitude, parliament may and probably will take the pains to interpoſe, and the impoſing of taxes and duties is expreſsly reſerved for the exerciſe of parliamentary authority alone.

Indeed the reſtraints laid by this act upon the local legiſlature confine its diſcretionary powers within very narrow bounds, and almoſt reduce it to a neceſſity of exerciſing its authority for the general good only. And ſince what is eſtabliſhed has the advantage upon the compariſon of every other poſſible form, it is (at leaſt) entitled to a fair trial, before it is cenſured or exploded.

I will not further increaſe the ſize of this pamphlet, already I fear too large for the patience of my readers, by ſtating

ſtating and refuting every cavil, which ignorance, party or malevolence may be ſuppoſed to ſuggeſt againſt the meaſure I have been defending: They will probably be produced in *anſwers* or *obſervations* upon what is here laid before the public; and if it ſhould happen, that they have more influence upon the public opinion than they had upon the minds of the members of either houſe of parliament, they ſhall not paſs without a reply.

In the mean time I flatter myſelf, that the information the public will now be in poſſeſſion of upon this ſubject will wholly remove any diſadvantageous impreſſions, which the miſrepreſentations ſo induſtriouſly circulated may have made, and reſtore and preſerve to thoſe ſervants of the crown, who have ſo arduouſly laboured to deſerve it, that univerſal applauſe and approbation, by which their many eminent ſervices to the ſtate have been ſo honourably attended and diſtinguiſhed.

APPENDIX.

APPENDIX.

Tranſlation of a Petition from the Inhabitants of QUEBEC to the KING.

To the KING'*s Moſt Excellent Majeſty,*

The Petition of your Majeſty's moſt dutiful and loving Subjects, the Lords of Fiefs, landed Proprietors, Citizens, Merchants and Traders, Inhabitants of the Diſtrict of QUEBEC, in the Province of QUEBEC, in NORTH AMERICA.

YOUR Majeſty's ſaid new ſubjects moſt humbly pray, and take the liberty to throw themſelves at the foot of your Majeſty's throne, to preſent thoſe ſentiments of love, reſpect, fidelity and ſubmiſſion, with which their hearts are filled for their auguſt Sovereign, and to render their humble thanks for the paternal care which it has pleaſed your moſt excellent Majeſty to have for them. Their gratitude compels them to acknowledge that the remembrance of the melancholy ſpectacle of being conquered by the victorious arms of your

moſt excellent Majeſty, although nearly ruined, did not long excite their regret, did not long cauſe their tears to flow.

Far from experiencing at the moment of the entire conqueſt the dreadful effects of reſtraint and captivity, the virtuous general who conquered them made them feel the mildneſs of the *Britiſh* government; he left them by the 27th article of the general capitulation the free exerciſe of their religion in which they have not been moleſted, and by the 37th the full and entire poſſeſſion and enjoyment of all their eſtates, whether noble, or held in villainage, as well as the continuation of their laws reſpecting property, by virtue of which they have been judged until the æra of the civil government. The mildneſs and forbearance of the conqueror have ſo firmly attached them to your moſt excellent Majeſty, that their bonds are now become indiſſoluble, and that they will be every day more ſtrongly united.

Your petitioners take the liberty moſt humbly and reſpectfully to repreſent to your moſt ſacred Majeſty that from the time when it pleaſed your Majeſty to command that the military government ſhould ceaſe in the province, which had preſerved to them their laws and cuſtoms, to eſtabliſh a civil government, they began to perceive that inconveniences would reſult from the interruption of their antient laws, and the introduction of the

cuſtoms

cuſtoms of *Britain*, with which they were totally unacquainted. Your petitioners well know that the laws of *England* are infinitely wiſe and ſalutary for the mother country, and the old colonies, but they have experienced from that moment, by the confuſion which hath ariſen in this province, and which now reigns for want of permanent and eſtabliſhed laws, that ſuch as are very wiſe and fit for the mother country, could not coincide with their manner of poſſeſſion, with their laws of property, and with their antient cuſtoms, without entirely overturning their fortunes, and totally annihilating their poſſeſſions. Although they have been conſiderable ſufferers by theſe grievances, which have nevertheleſs been moderated by the mildneſs of your moſt excellent Majeſty's governors, they have waited patiently and have relied upon the reiterated promiſes which they have thought proper to make to them that a remedy ſhould be applied.

Your Majeſty indeed hath been pleaſed during this time to grant them the privilege of ſitting upon juries, not only in all civil, but alſo in all criminal caſes, but at the ſame time they were given to underſtand that there were obſtacles to their being in any employs whether civil or military. They were and are ſtartled at the idea of ſuch an excluſion. Your petitioners, who ardently wiſh to ſerve, and to be uſeful to their country, flatter themſelves that your Majeſty will be pleaſed to permit them

to participate with your ancient ſubjects in the rights and privileges of *Engliſh* citizens. The irreproachable conduct which they have obſerved ſince the conqueſt, and their ſubmiſſion to government, ſhould be looked upon as faithful teſtimonies that they will never abuſe your Majeſty's goodneſs; they ſhall ever retain the moſt reſpectful remembrance of them. They will tranſmit them from age to age to their lateſt poſterity. They have taken the moſt ſolemn oaths of allegiance to your Majeſty and the illuſtrious houſe of *Hanover*, and have, in obſervance of the ſame, ſince the conqueſt, ever behaved themſelves as faithful and loyal ſubjects. Their zeal and attachment will make them ever expoſe their lives for the glory of their ſacred Sovereign, for the ſafety, defence, and augmentation of the *Britiſh* empire.

They intreat your Moſt Excellent Majeſty to diſſipate their fears, and to redreſs their grievances; to grant them their ancient laws and uſages, and that juſtice may be adminiſtered by your Majeſty's new ſubjects as to civil matters; to reſtore to *Canada* the ſame limits which it had before, and to include the coaſts of *Labrador* in the province of *Quebec*, and thoſe parts of the upper country which have been taken from it, ſince it cannot maintain itſelf without its uſual commerce. May your Majeſty deign to extend your goodneſs equally to all your ſubjects without diſtinction, and to maintain that glorious title of Father and Sovereign of a free

people.

people. Would it not be an infringement upon that title, if more than 100,000 new ſubjects ſhould find themſelves excluded from ſerving your Majeſty, and deprived of thoſe ineſtimable bleſſings poſſeſſed by your ancient ſubjects? If their petition be heard, their fears will be diſſipated, their misfortunes have an end, their days will paſs in ſerenity and eaſe. They will be ever ready to ſacrifice them for the glory of their Sovereign, and the ſecurity of his empire, their new country.

The increaſe of ſo vaſt a country, the number of the inhabitants of which greatly exceeds 100,000 new ſubjects, the advancement of its agriculture, the encouragement of its navigation and commerce, an arrangement to eſtabliſh it upon a foundation of ſtability, firm and immoveable, which may root out that confuſion which now prevails to its great detriment, are objects worthy the attention of your Moſt Excellent Majeſty, the arrangement of which your petitioners humbly ſubmit.

May heaven, propitious to the vows and prayers of your petitioners, bleſs your Majeſty with the enjoyment of a reign as glorious as durable; may it preſerve the illuſtrious family of *Hanover*, to whom they have ſworn the moſt ſolemn oaths of allegiance, and cauſe it to reign to the end of time over us and our poſterity.

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

WHEREAS his Majesty, by 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 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

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 Latitude directly Weſt, through the Lake *Champlain*, till, 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 *Penſylvania*, 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

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 *Penſylvania*, 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 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.

PROVIDED ALWAYS, That nothing herein contained, relative to the Boundary of the Province of *Quebec*, ſhall in any wiſe 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 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 *Quebec*, and the Powers and Authorities given to the Governor 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 *Quebec*, and the Commiſſion 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 Governor

and

and Council of *Quebec* 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.

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 *Quebec*, 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 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.

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.

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 Governor, or ſuch other Perſon in ſuch Court of Record as his Majeſty ſhall appoint, who are hereby authoriſed to adminiſter the ſame; *videlicet*,

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,

Evaſion, or ſecret Reſervation, and renouncing all Pardons and Diſpenſations from any Power or Perſon whomſoever to the contrary.

So help me GOD.

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, 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 *Quebec*, 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

any of the Courts of Juſtice, to be appointed within and 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 Governor, Lieutenant Governor, 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.

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.

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 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;

ſtanding; ſuch Will being executed, either according to the Laws of *Canada*, or according to the Forms preſcribed by the Laws of *England*.

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 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 Governor, Lieutenant-Governor, 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,

Time, cauſe to be made therein, in Manner hereinafter directed.

AND WHEREAS it may be neceſſary to ordain many Regulations for the future Welfare and good Government of the Province of *Quebec*, 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, to conſtitute and appoint a Council for the Affairs of the Province of *Quebec*, 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

with the Conſent of His Majeſty's Governor, or, in his Abſence, of the Lieutenant-governor, 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 may be authoriſed by the ſaid Council to aſſeſs, levy, and apply, within the ſaid Town or Diſtrict, for the Purpoſe of making Roads, erecting and repairing public Buildings, or for any other Purpoſe reſpecting the local Convenience and Œconomy of ſuch Town or Diſtrict.

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 Governor, or, in his Abſence, by the Lieutenant-governor, 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 *Quebec*.

PROVIDED ALSO, That no Ordinance touching Religion, or by which any Puniſhment may be in-

 flicted

flicted 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 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 *Quebec*, or within Fifty Miles thereof, shall be personally summoned by the Governor, or, in his Absence, by the Lieutenant-governor, or Commander in Chief for the Time being, to attend the same.

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 *Quebec*, and appointing, from Time to Time, the Judges and Officers thereof, as His Majesty, His Heirs and Successors, shall think necessary and proper for the Circumstances of the said Province.

PROVIDED

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 END.